

PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
MAY 24, 2005

6:30 PM

- STUDY SESSION

- > DISCUSSION OF INTERIM CITY MANAGER PERFORMANCE REVIEW
 - Human Resources Staff

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss employment of public officers, employees and agents and real property transaction negotiations under ORS 192.660(2)(a) and (2)(e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items

- 2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- Follow-up to Previous Citizen Communication

- 3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 3.1 Approve Council Minutes for April 4 Special Council Meeting, April 4 Joint Meeting with the City of Tualatin and Tigard-Tualatin School District, and April 12, 2005 Council Meeting
- 3.2 Approve Submission for a Transportation and Growth Management Grant Application for a Highway 99W Corridor Improvement and Management Plan - Resolution No. 05 - _____
- 3.3 Approve an Intergovernmental Agreement for Shared Use of Public Communication Network and Related Equipment to Access the Portland Police Data System
- 3.4 Local Contract Review Board:
 - a. Award a Contract for Banking Services to US Bank
 - b. Award a Contract for ASR2 Well Head Improvements to Schneider Equipment, Inc.
 - c. Authorize the Reimbursement of Funds to West Hills Development for the Construction of a Large Diameter Transmission Waterline through the Arbor Summit Subdivision Development
 - d. Award a Contract for Tiedeman Pressure Reducing Valve (PRV) Station Replacement to Kerr Construction
- Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.
4. TIGARD MUNICIPAL COURT ANNUAL REPORT
 - a. Staff Report: Finance Staff
 - b. Council Discussion
5. METRO UPDATE ON HIGHWAY 217 CORRIDOR STUDY
 - a. Staff Introduction: Community Development Staff
 - b. Council Discussion
6. COUNCIL LIAISON REPORTS
7. NON AGENDA ITEMS

8. **EXECUTIVE SESSION:** The Tigard City Council will go into Executive Session to discuss employment of public officers, employees and agents under ORS 192.660(2)(a). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

9. **ADJOURNMENT**

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COUNCIL MINUTES
SPECIAL TIGARD CITY COUNCIL MEETING
APRIL 4, 2005

1. SPECIAL MEETING

1.1 Mayor Dirksen called the meeting to order at 6:00 p.m.

1.2 Council Present: Mayor Dirksen; Councilors Harding (arrived at 6:10 p.m.), Sherwood, Wilson and Woodruff

2. COUNCIL GOAL UPDATE

Interim City Manager Prosser introduced this agenda item. Staff members presented work plans to the City Council for the 2005 City Council Goals.

Community Development Director Hendryx reviewed Goal 1:

1. Revitalize Downtown

- Complete and implement the Downtown Plan – work of the Downtown Task force was reviewed. A Downtown Plan is being developed (consultant funded by a TGM Grant). The TGM grant must be closed out by June 30. General concepts for a Downtown Plan have been identified. Extensive public outreach has occurred. The Downtown Task Force has been working diligently.

About 70-80 dialog meetings will occur until the Plan is on target.

A community meeting will be held on April 23, which will include a panel discussion and opportunity for community input. About 1,500 invitations will be mailed.

As the Plan is developed, Measure 37 limitations must be considered.

Improvements to the downtown will include street design and capital projects. Urban renewal is one element identified to assist the Plan implementation. The Plan now consists of loosely defined recommendations to help identify catalyst projects. "Branding" Tigard projects will also be identified. The Plan will continue to be refined – a lot more community involvement is needed.

Councilor Harding arrived at 6:10 p.m.

Community Development Director Hendryx reviewed information regarding the upcoming (April 23) the Downtown Plan community open house.

The Ash Street extension will be contained in the Capital Improvement Program, which will be reviewed by the Budget Committee and the City Council.

Interim City Manager Prosser noted that the City Council Goal Work Plans could be posted in the City Council, with indicators placed on the plans as items were completed.

Community Development Director Hendryx reviewed the Urban Renewal component of the Downtown Plan:

- Urban renewal implementation (public relations plan and vote; identify and begin projects). Project identification will be needed within the urban renewal process. Urban renewal provides for tax increment financing, which is one tool that could be used for the downtown improvements projects. Community Development Director Hendryx reviewed upcoming key dates and process to form an urban renewal district; these dates are indicated in the work plan. Community Development Director Hendryx reviewed the Highway 217 Corridor County project as it would relate to the procedural steps for the Downtown Plan.

City Council noted acceptance of the work plan for this goal as presented.

There was discussion about a citizen survey. Assistant to the City Manager Newton suggested that one of the questions on the survey could ask people to advise what they thought would be the most effective way to get information to people about the downtown plan and urban renewal proposals.

2. Improve 99W

City Engineer Duenas reviewed the detailed work plan on the improvements planned for 99W:

- McDonald Street/Highway 99W Improvements – There is a bid opening on April 7. Construction on this project is anticipated to start in mid-May with this project completed by the end of the fiscal year. Councilor Harding is the Tigard representative to the Washington County Coordinating Committee; this Committee determines assignment of traffic impact fee funds (TIF). On April 11, the City of Tigard will be asking for TIF funds on this project. City Engineer Duenas described this project, which includes a

left-turn lane and he hoped there would be enough funding to extend the sidewalk.

The following projects were also reviewed:

- Hall Boulevard/99W Intersection Improvements
- Greenburg Road/Highway 99W Study
- Highway 99W Corridor Improvements Study -- The Oregon Department of Transportation (ODOT) has responded favorably on this project, which includes access management, streetscape changes, and backage roads.
- Walnut Street Extension - In response to a question from Mayor Dirksen, City Engineer Duenas responded that it is anticipated for the corridor study. There was discussion about the negative citizen input received to date on this project. Community Development Director Hendryx commented on this project as it relates to the Downtown Plan -- the Plan will be formulated so that it will not be dependent on this project.

Councilor Woodruff commented that this was a good list of projects for this Council goal; however, he said he would like to see measurable components identified. For example, he suggested staff work with ODOT to determine whether congestion problems have been alleviated after the projects are completed (develop before and after comparisons). Mayor Dirksen said he would also like to know if the projects have helped with traffic flow on Tigard's side streets.

City Engineer Duenas reported that ODOT Region 1 Manager Matthew Garrett will be meeting with the City Council in May.

City Council noted acceptance of the work plan for this goal as presented.

3. Address Growth:

- Revise Comprehensive Plan for Tigard and, if funded for Bull Mountain -- Community Development Director Hendryx reviewed this item. The County may be offering some resources to the City for area outside the City limits. City Council will then need to discuss whether it should include Bull Mountain in the Comprehensive Plan revision. Interim City Manager Prosser noted the costs for this project will be presented during the Budget Committee hearings.
- Metro -- seek changes -- A proposed resolution will be presented to the City Council on April 26. Community Development Director Hendryx noted

that the Downtown Plan implementation could use some support by Metro. Mayor Dirksen commented on an upcoming tour of the downtown area with Metro President Bragdon and Metro Councilor Hosticka, which also led to discussion about community issues in general.

- Identify and acquire parks and open space. Public Works Director Koellermeier reported on the Budget process along with discussions on this item by the Parks and Recreation Advisory Board (PRAB). Policy issues will be reviewed by the City Council on April 19, 2005. Public Works Director Koellermeier reviewed the timeline set forth in the work plan, which included opportunity for public involvement.

PRAB is developing a list of potential park/greenspace property and potential funding options. Mayor Dirksen commented that a Metro Greenspaces Bond is scheduled for May 2006; City of Tigard needs to participate in discussions about proposed projects.

No decision has been made about whether to purchase property outside City limits on Bull Mountain. Also, City Council will be discussing criteria for accepting parkland donations.

- Review Growth of Expenditures and Revenue – Interim Finance Director Imdieke advised that Budget Committee hearings will commence on April 25, 2005 and continue until the fourth week of May. He commented that on the historical trends of revenues and expenditures – with revenues not keeping up. City Council will be discussing the Strategic Finance Plan on April 19, 2005. Councilor Woodruff said he would like information from staff about what it would mean if the City decided to “just live within the revenues we have.” Interim Finance Director Imdieke advised he would provide this information for City Council review.

- Graphic identity (branding) -- Assistant to the City Manager Newton reviewed past City Council consideration of this item. Council members reviewed a letter prepared to solicit interest from graphic designers to develop branding ideas. Assistant to the City Manager Newton estimated that development of a graphic design identity product will cost between \$1500 and \$2000. Council members discussed whether this amount would be adequate for this product. Councilor Sherwood said this amount would be sufficient to get a conceptual product – ideas for a logo. The concept could then be transitioned for coordination with stationery, park and monument signs, and on the City's web site. There was discussion on the sequence of how a logo could be developed and how it should represent the values identified for the community. Assistant to the City Manager Newton advised that, based on the discussion she heard tonight,

she would redraft the request for proposal letter. City Council would have an opportunity to review the letter before it was mailed out.

Council agreed the work plan presented for the last goal was acceptable.

4. Meeting adjourned at 7:05 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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JOINT MEETING WITH TIGARD CITY COUNCIL,
TUALATIN CITY COUNCIL,
AND TIGARD-TUALATIN SCHOOL DISTRICT BOARD
April 4, 2005

1. Call to Order / Introductions

Mayor Dirksen called the meeting to order at 7:30 p.m.

Elected officials present for City of Tigard: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff.

Elected officials present for Tigard-Tualatin School Board: Chair Neunzert; Vice Chair Rutkin; Board Members Albertson and Chism.

Elected officials present for City of Tualatin: Council President Truax, Councilors Harris, Gillespie, and Boryska

2. Joint Discussion on Methamphetamine issues

Tigard Police Chief Dickinson and Tualatin Police Chief Barker distributed information on methamphetamine including chemicals used to make methamphetamine, before and after photos of individuals showing the physical toll on those who use methamphetamine, and the implications of exposure to methamphetamine labs. New laws are making it more difficult to manufacture methamphetamine and its manufacture is down in Washington County; however, this drug is now being imported. Police Chief Dickinson and Police Chief Barker talked to the elected officials present about the problems associated with extremely addictive methamphetamine in the schools. The approach to address issues with kids is to "teach and treat."

Statistics about the percentage of youth who have tried methamphetamine were noted. Police Chief Barker noted appreciation to the School District for the DARE and GREAT programs – "If we can save one, it's a win."

There was discussion about the value of spending dollars so that addictions can be avoided. Outfall of drug addiction includes increases in property crimes and identity theft from those who turn to crime to find a means to support their addiction. Police Chief Barker reviewed the arrests and confiscation of methamphetamine in the last 18 months. Additional discussion included:

- The need for increased awareness of the methamphetamine problems.
- The methamphetamine task force created by the Governor.
- Another survey about methamphetamine use by area youth will be conducted in the near future.
- Additional resources allocated (and has increased 200% over the last three years) to address methamphetamine addiction (prevention, treatment).

Discussion followed on the changes made to keep the DARE program in place. There was a comment about the survey results for one of the middle schools where it could be interpreted that the percentage of youth who have tried methamphetamine is relatively low. However, when this percentage is translated into a number – a classroom would be filled. “It’s a huge concern.”

There was discussion about whether a closed campus would help reduce access. It was also noted that methamphetamine is brought in by kids and has been found concealed in shoes. Chief Barker noted law enforcement’s willingness to work with the schools about how to identify problems.

Another issue is that often children who use drugs are around adults who are doing the same thing – the entire community needs to be aware of this problem. People at the neighborhood level should be educated about what they can do to help. There was discussion about the need to work with families. In response to a question from Mayor Dirksen, Police Chief Dickinson suggested elected officials could help address this issue through continued support of law enforcement’s efforts for prevention and enforcement. Efforts to combat this problem start small as individuals, neighborhoods, and communities take a common stand against the manufacture and use of methamphetamine.

3. Update Park Bond projects – City of Tualatin

Tualatin Community Services Director Hennon reported that Tualatin voters approved a \$4 million park and library bond measure. He reviewed some of the projects completed and those set to get underway. He referred to projects which will be used jointly with the TTSD, including the artificial surface sports field at Tualatin High School and the cross country running trail for joint public and school use at Tualatin High School and Byrom Elementary School.

There was discussion about the Parks Advisory Committee for Tigard and Tualatin holding joint meetings to talk about ideas for parks and open spaces.

4. Update on Library Capital Improvement Project – City of Tualatin

Community Services Director Hennon noted the addition to the Tualatin Library has been placed on hold because the local option levy to fund increased costs of operating the library addition and park improvements was defeated. The Tualatin City Council will address, in the future, the next course of action or timing for obtaining operating funding to allow the library addition to progress.

5. Alberta Rider Status

Interim School Superintendent Pratton reviewed construction projects completed and underway as a result of a bond measure approved by voters. He referred to a number of the projects including new schools: Alberta Rider, C.F. Tigard, Metzger and Tualatin Elementary. Both Tigard and Tualatin High School had major projects included.

Interim Superintendent Pratton referred to the Alberta Rider project. He talked about Mrs. Rider and her long-time history in the community. This school is scheduled to open in October 2005 and will accommodate 400+ students. The School District is considering how it will transition the students and teachers into the new facility.

Discussion followed about a water reservoir in this area. There was consideration to locate the reservoir on the school property; however, the reservoir will now be located elsewhere. The School District and City are working on public waterline placement issues. An April 4, 2005, letter from Tigard Public Works Director Koellermeier to Interim Superintendent Pratton concerning this matter was distributed and reviewed. A copy of this letter is on file in the City Recorder's office.

6. Skate Park Update

Tigard Public Works Director Koellermeier reviewed the Tigard skate park (Jim Griffith Memorial Skate Park) progress. A fundraising campaign is now underway. The Tigard City Council will soon be considering whether to approve a grant application for this project. The skate park site is on property (now part of the parking lot) next to the Tigard City Hall. The anticipated completion date for the park is the summer of 2006.

7. Tigard Turns the Tide Update – Liz Newton & Connie Ramaekers

Tigard Assistant to the City Manager Newton and TTSD Prevention Specialist Ramaekers presented this item. Assistant to the City Manager Newton reviewed history of community groups formed to support local youth. Tigard Turns the Tide was formed in the early 80's with a focus on a safe, drug and alcohol free, graduation party. Recently Tigard Turns the Tide and the Mayor's Youth Forum combined into one non-profit group and will be called Tigard Turns the Tide. The mission of this group is to promote a safe and healthy community by reducing alcohol, tobacco, and other drug related problems through prevention, education, treatment advocacy, and support of state and nationwide prevention efforts.

Prevention Specialist Ramaekers reported on a grant application recently submitted. If Tigard Turns the Tide is awarded, it will receive \$100,000 per year for five to ten years to use to reduce substance abuse. Information prepared for the grant was distributed, reviewed and discussed. A copy of this information is on file in the City Recorder's office.

8. Tualatin Footbridge Update

Tualatin Community Services Director Hennon reported on the progress for this project. This \$1.6 million project was funded by a \$1.1 million State grant, with the remaining costs to be borne by the Cities of Tualatin and Tigard – a small amount will also be contributed by the City of Durham. The biggest issues for this project have been obtaining the necessary permits pertaining to the wetlands.

There was discussion about the benefits of this project, which will link the three cities (Tigard, Tualatin and Durham). Costs have increased and the State responded by increasing the grant dollars awarded; this will mean there will be some corresponding increases in grant matching funds to be contributed by the cities. Tigard and Tualatin staff will continue to work together on this project.

There was discussion on the project design to accommodate safety for pedestrians and bicyclists as well as allowing enough width for maintenance vehicle access. The structure will be ADA compliant.

9. Other Topics

Councilor Sherwood reported that a number of families have arrived in the area from the country of Somalia. Reports are that 50,000 people have been granted entrance into the United States by the Federal government.

They have no resources and appear to be mostly women and children. Many of these new arrivals are being counseled to move to the western United States and Councilor Sherwood noted the need for the community to get prepared and come together to help these immigrants for the next couple of years.

School Board Chair Neunzert reminded everyone of the May School Board election and asked people to please vote.

Mayor Dirksen referred to the Tigard Council's objective to "seek changes at Metro." He noted appreciation for Tualatin's recent issue with Metro and advised that Tigard has concerns also. The Council is looking at how changes could be made in the relationships among cities and Metro. There has been discussion about forming a coalition to discuss common issues with Metro.

Councilor Gillespie noted the number of e-mails he receives about parking complaints when Tualatin High School students park in adjacent neighborhoods. There was discussion about how parking permits are issued to students. This matter will be reviewed by the Tualatin High School Principal and the School Superintendent. The Board and the Council need to be kept informed about how this issue is being addressed so they can respond to concerned constituents.

10. Adjournment: 9 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
April 12, 2005

Mayor Dirksen called the meeting to order at 6:30 p.m.

Council Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff

- STUDY SESSION

- > REVIEW OF THE CITY COUNCIL BUDGET

Interim City Manager Prosser commented this budget would normally have been presented to the Council in time to make adjustments before the proposed budget document was prepared, but this did not occur this year. Assistant to the City Manager Newton added the city administration budget, which encompasses the Council's budget, would be one of the first to be considered by the Budget Committee and changes could be made at this point in the process.

Ms. Newton distributed and discussed the Council's proposed FY 2005-06 budget. These materials are on file in the City Recorder's office. Ms. Newton summarized the information contained in her memo dated April 4, 2005. She directed the Council's attention to budget items related to materials and services. Ms. Newton pointed out account 613000 would be impacted by the Citizen Leadership Series. She also noted the budget for Council meals would need to increase if all five Councilors wished to have pre-meeting meals.

Councilor Woodruff confirmed the Council's projected FY 2004-05 budget is \$107,602 and the proposed FY 2005-06 budget is \$107,083.

Mayor Dirksen proposed the Council consider attending the March National League of Cities Conference held in Washington, D.C. as opposed to the December conference in Charlotte. He asserted this would give the Council an opportunity to meet with representatives of the federal government. While noting budgetary constraints, the Mayor added, in the past, it was beneficial for the entire Council to attend the conference. Although the proposed budget shows three Councilors will attend the conference, Ms. Newton said she would provide the Council with costs for four and all five Councilors to attend.

Councilor Harding inquired about the cost of conference attendance for organization members versus non-members.

Ms. Newton said she would provide the Council with further information in their Friday newsletter.

> REVIEW OF BUDGET REQUEST FOR TOWN HALL AUDIO/VISUAL

Assistant to the City Manager Newton summarized the highlights of a memo from Network Technician/Civic Studio Producer-Director Myers regarding proposed improvements to the Civic Studio. Ms. Newton explained the improvements were designed to make the room more user- and audience-friendly. The improvements would include: an upgrade to the audio system (including two wireless microphones), a PowerPoint screen displayed on the wall above the Council for audience viewing, and flat screen displays for the Council to view what is being aired on television.

Ms. Newton advised the bid for the improvements is \$84,000. She suggested some of the \$56,000 rebate anticipated from the Metro Area Communications Commission (MACC) could be used for this project.

There was a brief discussion of the following items related to the improvements:

- Lighting
- Accommodating overflow crowds
- Transportability to other city facilities
- Interfaced audio and video

In response to a question from Councilor Woodruff, Mr. Myers stated once the project is approved, the design would take approximately 12 weeks and construction another 4 to 6 weeks. Mr. Prosser added the work would probably be completed next fall.

In response to an inquiry from Councilor Harding, Mr. Prosser affirmed the city's purchasing rules would be followed when selecting the contractor for the project.

> DISCUSSION OF THE CITY MANAGER RECRUITMENT PROCESS

Human Resources Director Zodrow distributed three handouts on:

- The selection process – questions for the Council
- Ideas for possible supplemental questions/video presentation
- Timeline

These documents are on file in the City Recorder's office.

Ms. Zodrow described recruitment efforts and various options related to the recruitment process. Direct recruitment and the possibility of hiring a search firm were also discussed.

Councilor Woodruff suggested the human resources department screen the applications. Ms. Zodrow said she would provide the Council with applications from all the applicants and would indicate her department's initial selections.

The Council indicated they wished to include a second screening phase (supplemental questions and video tapes) and an assessment center as part of the recruitment process.

The Council reviewed the proposed supplemental questions. Councilor Sherwood said she liked question number 5 related to economic development and urban revitalization. Councilor Harding proposed adding a question asking the applicants to describe something negative that occurred in their city/business/organization and how they resolved the issue.

After discussion, the Council opted for the following assessment center exercises:

- Mock City Council meeting/presentation
- Written exercise
- Oral interview panel

Councilor Woodruff suggested the assessment center be scheduled for July 5 and 6.

> ADMINISTRATIVE ITEMS

- Mayor's Agenda was distributed. A copy of this agenda is on file in the City Recorder's office.
- Councilor Harding indicated she could attend the dinner with the Indonesian delegation.
- Discussion of the "Fifth Tuesday" meeting follow-up process
Interim City Manager Prosser proposed follow-up from the Fifth Tuesday meeting be scheduled for discussion at the next City Council meeting in order to inform the public and clarify the Council's expectations regarding follow-up. Mayor Dirksen suggested Councilors meet at the close of the Fifth Tuesday meeting to identify issues requiring a response from the city.

Mr. Prosser suggested either the meetings be recorded or the Deputy City Recorder attend meetings and take minutes. Councilor Sherwood and Mayor Dirksen indicated they did not want this level of formality; they wanted to keep the meeting casual.

Mr. Prosser handed out two sets of notes related to the March 29 Fifth Tuesday meeting. City Attorney Ramis explained minutes of the meeting were required, although they did not need to be detailed.

Study Session recessed at 7:23 p.m.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:23 p.m. to discuss labor negotiations under ORS 192.660(2)(d).

Executive Session recessed at 7:32 p.m.

Study Session reconvened at 7:32 p.m.

- > ADMINISTRATIVE ITEMS continued
 - Council briefly discussed the process for removing items from the consent agenda.
 - The Mayor and Councilors Sherwood and Harding indicated they planned to attend the reception for the Tigard-Tualatin School District Superintendent finalist.
 - Community Development Director Hendryx distributed Downtown Task Force packets. A packet is on file in the City Recorder's office.

The Study Session concluded at 7:35 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called City Council & Local Contract Review Board to order at 7:42 p.m.
- 1.2 Council Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None.
- 1.5 Call to Council and Staff for Non-Agenda Items: None.

2. PROCLAMATION

- Mayor Dirksen proclaimed April 29, 2005 as Arbor Day

3. CITIZEN COMMUNICATION

- Mayor Dirksen noted Nikki Pham was not present.
- Alice Ellis Gaut, 10947 SW Chateau Lane, Tigard, advised the Council Earth Day is slated for April 22. Ms. Ellis Gaut relayed decisions made today will have far-reaching impacts, adding every road cut, creek crossing, paved surface, roof top, parking lot and building destroys and displaces other beings. She described the diverse resources of the area's watershed and advocated for wise and gentle stewardship of the land. She reported this will be the 35th year Earth Day will be celebrated.
- Lisa Hamilton Treick, 13565 SW Beef Bend Road, Tigard, addressed the Council's recruitment of a city manager. She suggested the Council seek someone with the following skills/priorities/experience:
 - Fresh perspective
 - Vision
 - Public relations
 - Appreciation of the environment
 - Public involvement
 - Relationship building
 - Parks and open spaces
 - Master planning/long-range visioning
 - Economic development
 - Transportation solutions

Mayor Dirksen commented the city had already received approximately 20 applications and there appeared to be some well-qualified applicants.

- Gretchen Buehner, 13249 SW 136th Place, Tigard, asked the Council to revisit a nuisance issue on a commercial property west of Grant Street, fronting Tigard Street and abutting Fanno Creek. She noted it has been a year since the nuisance was identified. Although some of the rusting and broken-down equipment was removed, some debris still exists. She asked if the Council could give a "gentle reminder" to get the remainder of the trash removed.

Ms. Buehner also advised Council meetings held in the library community room are very difficult to hear. She suggested use of microphones and a sound system.

The Council indicated there were microphones in the community room and they would look into improving the sound quality for future meetings.

Interim City Manager Prosser stated he would report her complaint to code compliance for action.

- > Mayor Dirksen initiated a discussion of follow-up from the Council's March 29 "Fifth Tuesday" meeting. The following list of topics, along with direction regarding the Council's expectation for a response or follow-up, is listed in the table below.

Topic	Response/Follow-up
Construction noise/dirt/dust/mud/safety	It was noted construction activity was conducted within code requirements, without a code change nothing can be done.
Tax inequities	No follow-up needed.
Private property concerns/continuing enforcement issue	The Council directed staff not to grant any further extensions.
Access to records in the permit center	Mr. Prosser is looking at ways to improve access while still safeguarding city records. The Mayor indicated the city would work to make the process better.
Development projects on web site no current	Mr. Prosser indicated the web site would be up-to-date next week.
School funding	No follow-up needed – directed to state legislators.
Citizen input process regarding the creation of an e-mail list	Mr. Prosser indicated the city is working on this item.
Protection of natural resources	No follow-up needed.
City purchase wetlands to own and protect	No follow-up needed.

Councilor Woodruff commented the Fifth Tuesday meeting went well and there was an excellent turn-out. He added the next Fifth Tuesday meeting will be on May 31. He informed the audience issues brought up at the Fifth Tuesday meetings would be discussed at the next regular Council meeting to provide responses and identify follow-up needed for each topic.

Mr. Prosser mentioned a previous inquiry from Mr. Burgess regarding a request to use the niche for storage. He confirmed the question had been addressed during that meeting.

Ms. Buehner (see citizen communication above) said the Council's special meeting with the Tualatin Council and the Tigard-Tualatin School District conflicted with a Planning Commission meeting. It was noted such meetings are scheduled in conjunction with the outside participants and this doesn't allow for much flexibility when selecting a meeting date.

4. CONSENT AGENDA

Councilor Harding requested item 4.1, the February 15 minutes, and LCRB item 4.7c., a contract for slope stabilization at Quail Hollow subdivision, be removed from the consent agenda for separate consideration. Councilor Harding described some of her concerns regarding the slope stabilization project.

Councilor Sherwood cited Council rules and noted Councilors were to provide 24 hour advance notice to remove items from the consent agenda.

Councilor Harding moved to remove items 4.1 and 4.7c. from the consent agenda. The motion received no second and died. The items remained on the consent agenda.

Councilor Sherwood advised she did not attend the February 15, 2005 meeting, but the minutes indicated she was present. She requested the February 15 minutes be corrected to reflect her absence.

- 4.1 Approve Council Minutes for February 15 and 22, 2005
- 4.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
- 4.3 Adopt a Resolution Authorizing the City Manager to Submit to OPRD an Application for State Funds Available through the State of Oregon's Lottery Local Government Grant Program as a Means for Providing Matching Funds to Construct the Jim Griffith Memorial Skate Park – Resolution No. 05 - 22

RESOLUTION NO. 05 - 22 – A RESOLUTION AUTHORIZING THE SUBMITTAL TO THE OREGON PARK AND RECREATION DEPARTMENT (OPRD) OF AN APPLICATION FOR STATE FUNDS AVAILABLE THROUGH THE STATE OF OREGON'S LOTTERY LOCAL GOVERNMENT GRANT PROGRAM AS A MEANS FOR PROVIDING MATCHING FUNDS TO CONSTRUCT THE JIM GRIFFITH MEMORIAL SKATE PARK.

- 4.4 Approve the Issuance of a Request for Proposal for an Urban Renewal Public Outreach Program
- 4.5 Approve the Issuance of a Request for Proposal for Urban Renewal

- 4.6 Adopt a Resolution Approving the Use of MSTIP 3 Bike and Pedestrian Program Funds for the Tualatin River Pedestrian/Bike Bridge Project – Resolution No. 05 – 23

RESOLUTION NO. 05 - 23 – A RESOLUTION APPROVING USE OF THE CITY OF TIGARD'S ALLOCATION OF WASHINGTON COUNTY'S MSTIP 3 BIKE AND PEDESTRIAN PROGRAM FUNDS FOR THE TUALATIN RIVER PEDESTRIAN/BIKE BRIDGE PROJECT.

- 4.7 Local Contract Review Board:
- a. Award a Contract for the Construction of the SW O'Mara and Edgewood Streets Sanitary Sewer (Sewer Reimbursement District No. 31) to MJ Hughes Construction Inc.
 - b. Award a Contract for the Construction of the SW 117th Avenue Sanitary Sewer (Sewer Reimbursement District No. 34) to CR Woods Trucking, Inc.
 - c. Award a Contract for Slope Stabilization at Quail Hollow Subdivision to Elting, Inc.
 - d. Award a Contract for Stream Enhancement and Restoration Services to Ash Creek Forest Management, LLC, Henderson Land Services, LLC, and Harris Stream Services

Motion by Councilor Sherwood, seconded by Councilor Wilson, to approve the consent agenda, including the February 15 minutes as amended.

The motion was approved by a majority vote:

Mayor Dirksen	-	Yes
Councilor Harding	-	No
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

Councilor Harding stated she hadn't seen the 24 hour advance notice in writing and was unaware of the rule. She added she devoted much of her personal time to Council-related meetings and other business.

5. INTRODUCTION AND WELCOME OF THE DELEGATION FROM BALIKPAPAN AND SAMARINDA, INDONESIA

Public Works Director Koellermeier introduced the delegation. A member of the delegation related the group was learning about water-related systems, supply and technology.

Mayor Dirksen and the delegates exchanged gifts and the Mayor presented each delegate with a certificate of acknowledgement. The delegation's interpreters were also recognized.

6. PRESENTATION ON TIGARD'S WATER SUPPLY OPTIONS

Public Works Director Koellermeier introduced Mr. Uber, a consultant with Murray, Smith & Associates, Inc. Both Mr. Uber and Mr. Koellermeier gave a PowerPoint presentation updating the Council on the history and status of the city's long-term water supply. The PowerPoint presentation is on file in the City Recorder's office.

Tigard is required to take 62% of its water from the City of Portland.

Given the dry year, Mr. Koellermeier reported he has reserved 114% of the water he anticipates Tigard will need for fiscal year 2005-2006. This is reflected as "Option 2" on the Water Purchase Options slide.

Mr. Uber noted the city's Aquifer Storage and Recovery (ASR) program is essential to address "peaking" water demand. He explained the first well in the city's aquifer storage and recovery program can yield a million gallons per day and once online, another 2.5 million gallons per day can be expected from the well currently under construction.

- City of Portland Supply

Mr. Uber explained Tigard was in the midst of water negotiations with the City of Portland. Portland currently operates under a waiver which enables it to avoid water treatment. It is unknown whether this waiver will be renewed. If not renewed, Portland will be forced to filter its water and a treatment plant will be needed. As a Portland water purchaser, Tigard would be expected to pay for a portion of the treatment facility. Mr. Uber added under the current negotiations, Tigard's role would only be as a wholesale water purchaser and ownership in the Portland water system was unlikely. This means costs could not be passed along as system development charges (SDCs).

- Clackamas River Supply

Mr. Uber noted Tigard used to get a significant amount of water from the City of Lake Oswego and this supply option is being revisited. The existing pump station has the capability to provide up to 8 million gallons of water per day. Preliminary discussions have taken place and issues such as water rights, availability, cost and ownership are slated to be explored next. In response to a question from Mayor Dirksen, Mr. Koellermeier explained if this option were pursued, Tigard should be able to obtain ownership in this water system, assuming a capital outlay be required. Such ownership would mean costs could be addressed through SDCs, and would not have to be passed

along to existing consumers in their water rates. In short, growth would pay for growth when SDCs can be implemented.

- Joint Water Commission

The city is currently purchasing water, via the City of Beaverton, through the Joint Water Commission. The city is also working with the commission by:

- Participating in studies to evaluate the feasibility of raising Scoggins Dam
- Completing major piping improvements
- Evaluating treatment plan expansion
- Piping and reservoir improvements

The outlook of this future water supply is dependent on the progress of the studies currently taking place.

If this option is deemed feasible, it is anticipated the city would have ownership in the system and SDCs could be collected.

- Willamette River

Mr. Uber explained the City of Tigard, as a participant in the Willamette River Supply Commission, has a water right of 20 million gallons. He added should the city pursue this option, equity ownership would be anticipated and costs could be addressed through SDCs.

Mr. Uber commented on the success and importance of ASRs in the city's water management. He advised ASR allows the city to store surplus water it has purchased.

Mr. Uber summarized the conceptual capital costs and water costs associated with the various options. Overall, the Willamette is estimated to be the least expensive source. In response to an inquiry from Councilor Harding, who indicated Willamette River customers have higher water bills, Mr. Uber stated these customers are paying for water and the cost of financing the treatment plant. Mr. Koellermeier added the Willamette River financing costs are based on 20 year bonds. Scenarios in the Tigard analysis are based on a 25 year repayment schedule of capital costs. After 25 years, these costs would drop off, although new capital needs may arise.

Mr. Koellermeier talked about previous criteria used to evaluate long-term water supply options. He advised the Portland option does not include any type of ownership in the system. If ownership is deemed an important issue, then the Portland option becomes much less desirable.

Mr. Koellermeier remarked many other cities are in similar situations related to securing a long-term water supply. He stated all the water sources under consideration are adequate in terms of supply. However, all the sources are

relatively distant from Tigard and transmission costs become the critical factor. The more cities that participate in any single option, and therefore share capital costs, the lower the cost will be for Tigard. Mr. Koellermeier noted the scenarios in the presentation assumed there would be cooperation and cost sharing among an optimum group of partners.

Mr. Koellermeier summarized the city's "next steps" and asked for questions.

Mayor Dirksen asked if Councilor Woodruff, the Council's water liaison, would like to comment. Councilor Woodruff remarked on the complexity of securing a long-term water supply for the city. He added many municipalities and jurisdictions are struggling with similar challenges. He asserted most citizens weren't interested in the details of the of how their water gets to the tap, but are simply looking for adequate, pure, good tasting water at an affordable cost. He acknowledged the controversy surrounding the Willamette River option. Councilor Woodruff concurred with Mr. Koellermeier, stating the city needed to keep all options open until it is determined which course of action would be in the best interest of Tigard citizens.

Councilor Wilson inquired if any of the options were ready to go. Mr. Koellermeier responded it would take 3 to 15 years to finalize a long-term water source. Before finalizing any source, he noted the following items would need to be solidified:

- Funding for capital improvements
- Determining partners
- Conducting an election (should the Willamette be the preferred option)

He related cost, criteria and timelines are variables in the process. Mr. Koellermeier noted there were interim solutions until a permanent option is selected and online. Mr. Uber added the Willamette River option was the closest to coming online, as the permitting element had already been completed.

In response to a question from Councilor Sherwood, Mr. Koellermeier indicated the city was entering into a dialogue with Lake Oswego to take a renewed look what water supply options with Lake Oswego might look like. Tigard has an existing wholesale water agreement with Lake Oswego and Lake Oswego has a water surplus. He reported water purchased through this wholesale agreement was more affordable than some of the city's other sources. He continued by saying if the Lake Oswego City Council was interested in supplying water, a feasibility study would be conducted. The Lake Oswego agreement had not been employed for awhile, as Lake Oswego needed time to investigate whether it had adequate water supplies to meet future growth. Lake Oswego has now determined it can meet future water demand and expects surplus water will still be available.

Councilor Woodruff brought up the topic of water conservation. Mr. Koellermeier responded Tigard is the water conservation leader on the Westside. He noted the city has been a strong advocate of conservation. Mayor Dirksen commented Tigard

citizens should be praised for their conservation efforts. He recounted when the city puts out the word that water conservation is needed, the city sees an immediate and significant reduction in water consumption.

Councilor Wilson inquired about a chart which depicts the average consumption remaining fairly constant and while peak consumption increases. Mr. Uber responded the chart was based on past patterns of consumption and pointed out with conservation the low estimate peak consumption actually levels out over time.

Mr. Koellermeier remarked if other communities made a decision regarding their long-term water supply, it was possible this would then limit Tigard's options or force Tigard to make a decision as well.

The Mayor affirmed the Council needed to be prepared to act if such a situation arises. For the foreseeable future, he stated the city needed to keep all options, as well as combinations of options, open.

7. **CONSIDER A RESOLUTION DIRECTING THE PREPARATION OF A PRELIMINARY ENGINEER'S REPORT FOR THE PROPOSED SW 79TH AVENUE LOCAL IMPROVEMENT DISTRICT (LID)**

City Engineer Duenas gave a PowerPoint presentation on this topic. He explained the project needed to be addressed through as a local improvement district (LID) in order to deal with improvements needed along the entire street. Without the LID, he noted problems with vertical alignment, property acquisition, and compliance with design standards would be difficult to resolve.

As part of the preparation of the report, neighborhood meetings with residents and developers would be conducted.

Mr. Duenas advised modification of the existing design would be needed in order to bring the design up to current Transportation System Plan standards. He relayed this work could be done in-house and this might mean the project could get underway sooner, with some work being done this year.

Mr. Duenas' recommendation was for the Council to continue the LID process by approving the resolution to prepare a preliminary engineer's report and authorizing the Gas Tax Fund as the funding source for the report.

Mr. Duenas advised if the LID is formed, any LID-related costs, including the preliminary engineer's report, would be reimbursable through the LID.

Councilor Woodruff asked how many land owners wanted to participate in the LID. Mr. Duenas responded, with LID going all the way south to Gentlewoods, 47

percent wished to participate. He added the city is working with another property owner regarding inclusion in the LID. If included, the percentage of land owners wishing to participate in the LID would increase from 47 percent to 62 percent.

Deputy City Recorder's Note:

Subsequent to the meeting, it was noted that should the additional land owner be included in the LID, the actual increase would be to 58 percent, not the 62 percent stated at the meeting.

Councilor Sherwood confirmed neighborhood meetings would take place and inquired what happens if neighbors object to the formation of the LID. Mr. Duenas explained two-thirds of the affected property owners would need to remonstrate against the LID in order for it to be removed from consideration. With current numbers, the LID is feasible. He added the developers will end up putting the road improvements in, the question is whether it will be done piecemeal or comprehensively. He asserted it would benefit both the city and the developers to combine the all street improvements into one project through the LID.

Councilor Harding pointed out that the 47 percent figure supporting the LID was made up of only five land owners. She expressed concern over the other 53 percent of property owners who had not supported the LID. She relayed motorists would use the upgraded street as a "pass through" and developers would be the primary beneficiaries of the LID. She added increased traffic may further aggravate property owners opposed to the LID.

Mr. Duenas responded the bulk of the property owners at the north end of the proposed district would be developing their property. He notes there is a huge amount of undeveloped land in this area and emphasized doing the improvements comprehensively.

Councilor Harding stated she was concerned for homeowners that are not in the development business.

Councilor Wilson asserted the city was not subsidizing development; development and street improvements will occur. He reiterated the issue was whether the improvements would be as one cohesive project or done piecemeal.

Mayor Dirksen confirmed the preliminary engineer's report would provide a cost estimate to property owners. Mr. Duenas agreed and explained part of the assessment would be based on square footage and part on who would benefit most from the improvements. Mayor Dirksen verified the major financial burden would fall to properties slated for development.

Mayor Dirksen stated the Council needed to look at the long-term growth of the city. He asserted eventually street improvements will need to be done.

Councilor Harding acknowledged improvements are needed, but said sharing the cost of improvements was an insult to homeowners and taxpayers who were not part of development.

Mayor Dirksen countered the Council often received complaints when development took place before street improvements occurred.

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 05 – 24

Resolution No. 05 - 24 - A RESOLUTION DIRECTING THE ENGINEERING STAFF TO PREPARE A PRELIMINARY ENGINEER'S REPORT FOR THE PROPOSED SW 79TH AVENUE LOCAL IMPROVEMENT DISTRICT AND DIRECTING THE ESTABLISHMENT OF A FUNDING MECHANISM FOR THE PREPARATION OF THE REPORT.

The resolution was approved by a majority vote:

Mayor Dirksen	-	Yes
Councilor Harding	-	No
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

8. CONSIDER A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS IN THE GAS TAX FUND FOR THE 79TH AVENUE LOCAL IMPROVEMENT DISTRICT (LID)

Interim Finance Director Imdieke explained this was the companion item to establish funding for the preliminary engineer's report approved in item #7. He said if the LID is formed and the project is completed, the cost of the report would be included in the assessment to property owners and the Gas Tax Fund would be reimbursed.

Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt Resolution No. 05 - 25.

RESOLUTION NO. 05 - 25 – A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS IN THE GAS TAX FUND FOR THE 79TH AVE LID.

The motion was approved by a majority vote:

Mayor Dirksen	-	Yes
Councilor Harding	-	No
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

9. **CONSIDER A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR THREE NON PROFIT LOW INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING AND ONE HOUSING PROJECT OPERATED BY TUALATIN VALLEY HOUSING PARTNERS**

Interim Finance Director Imdieke indicated both Community Partners for Affordable Housing (CPAH) and Tualatin Valley Housing Partners (TVHP) have met the criteria to be exempted from Tigard property tax. He related approval of TVHP application is contingent on the organization becoming the Managing General Partner of the housing complex before July 1.

Mr. Imdieke introduced Martin Soloway from CPAH and Tom Benjamin from TVHP.

Councilor Woodruff asked Mr. Soloway and Mr. Benjamin to describe how the property tax exemption affects their operations. Mr. Soloway responded any decrease in operating costs directly benefits tenants in the form of lower rent. He noted CPAH was just about to begin a 2.5 million dollar investment for improvements to the Greenburg Oaks Apartments.

Mr. Benjamin explained his organization had established its rental rates with the tax exemption in place. He said Hawthorne Villa has experienced financial difficulty and, in effect, his organization was buying a management interest in the property. His agency's directors need to be satisfied the property can be operated economically, without a rent increase. Mr. Benjamin added without the property tax exemption, rent would be increased significantly. This would likely result in displacement of some tenants. Although his agency is pleased with the current on-site operations, he noted his agency eventually hopes to be directly managing the property. He described recent improvements made to the property by the investors and his agency. Without the exemption, his agency would be taking over the property with a \$47,000 deficit.

Mr. Imdieke reported the total cost avoidance for both agencies would be about \$126,000.

Mayor Dirksen reiterated the Council's decision could determine whether the TVHP property actually becomes part of the affordable housing system and is operated as a non-profit facility. Mr. Benjamin concurred with this statement.

Councilor Sherwood expressed her pride in the City of Tigard for taking on the issue of affordable housing a long time ago. She noted many other cities do not offer similar incentives. She noted the severe shortage of affordable housing in the area and said the Council should do what it could to support affordable housing efforts.

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 05-26.

RESOLUTION NO. 05 -26 – A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR THREE NON PROFIT LOW INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH) AND ONE HOUSING PROJECT THAT IS OPERATED BY TUALATIN VALLEY HOUSING PARTNERS (TVHP).

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Harding	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

10. DISCUSS THE RENEWAL OF CONTRIBUTION OF FRANCHISE FEES FOR PUBLIC, EDUCATION, AND GOVERNMENT (PEG) ACCESS

Information Technology Director Ehrenfeld introduced this agenda item. He advised the Council needed to consider the Metropolitan Area Communications Commission (MACC) proposed budget for PEG access for next year. Mr. Ehrenfeld explained changes in MACC's funding mechanism were occurring and the proposed budget reduced Tigard's assessment \$6,920.

Mr. Ehrenfeld stated Councilor Harding, who represents the city on MACC, will need to vote on the proposed budget.

Mayor Dirksen commented he and Councilor Harding had met with Bruce Crest from MACC. The Mayor relayed MACC planned to offer a higher level of service, the city would pay less for this service, and MACC would refund some of the money paid in previous years.

Councilor Harding explained a \$1 million reserve had accumulated. She reported MACC is now proposing a fixed budget on an annual basis. She advised MACC did not vote to "shut down" Tualatin Valley Television (TVTV) or programming. She declared her support of First Amendment rights. She said existing television shows will be retained and most of the TVTV staff will be working with MACC.

Councilor Harding pointed out all MACC jurisdictions needed to agree on the proposed budget.

The Council expressed support for the proposed budget and encouraged Councilor Harding to vote in favor of the MACC proposal.

11. REVIEW BRANDING SOLICITATION LETTER

Assistant to the City Manager Newton summarized changes made to a draft graphic identity/branding solicitation letter. Materials for this item were distributed in the Council's Friday newsletter and are on file in the City Recorder's office.

Councilor Wilson mentioned a discipline called "environmental graphics," which deals specifically with sign graphics. He noted materials, fabrication techniques, and designing something to be viewed from a distance would be within the scope of environmental graphics. This emphasis differs from print graphics. Councilor Wilson stated he wanted to call attention to this discipline and suggested the Council may wish to draw on this type expertise.

Councilor Wilson expressed some concern about asking for "free" design work and also suggested the Council not limit itself to local agencies. Councilor Woodruff explained Council had discussed asking respondents for free work, and the Council had decided they definitely wanted respondents to show them some ideas. Councilor Wilson remarked this requirement might result in more professional individuals/agencies not responding to the letter, as they would be unlikely to work on a design without actually landing the project.

A two-prong approach was proposed. First, the Council will work on the print-type graphics associated with the logo and second, environmental graphics will be explored.

Ms. Newton stated she would make adjustments to the letter based upon the Council's comments.

12. COUNCIL LIAISON REPORTS

Councilor Woodruff mentioned he attended the Park and Recreation Advisory Board meeting the previous night to follow-up on Fifth Tuesday meeting topics.

Mayor Dirksen reported he had attended an Ash Avenue Neighborhood Meeting regarding the Downtown Improvement Plan. He relayed the group's response to crossing Fanno Creek was not as negative and some attendees expressed dismay that the street extension was being removed from consideration.

13. NON AGENDA ITEMS: None.

14. EXECUTIVE SESSION: No executive session was held.

15. ADJOURNMENT

Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adjourn the meeting.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Harding	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

The meeting adjourned at 9:53 p.m.

Greer A. Gaston, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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AGENDA ITEM # 3.2
FOR AGENDA OF May 24, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Transportation and Growth Management (TGM) Grant Application Submittal

PREPARED BY: G. Berry DEPT HEAD OK *Quenna* CITY MGR OK *CP*

ISSUE BEFORE THE COUNCIL

Should the City Council approve a resolution endorsing the submittal of a Transportation and Growth Management (TGM) grant application for preparing a Highway 99W Corridor Improvement and Management Plan?

STAFF RECOMMENDATION

Approval, by motion, of the attached resolution endorsing submittal of the application.

INFORMATION SUMMARY

The TGM Program is a joint effort of the Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD). The purpose of the program is to provide funding to local governments for planning that:

- Facilitates integrated transportation facility and land use planning,
- Encourages compact, mixed-use, pedestrian, and transit-friendly development,
- Promotes transportation choices,
- Provides for the efficient use of public resources,
- Protects existing transportation facilities, and
- Aids in promoting livability and economic vitality within the community.

Grant funds reimburse local governments for staff time, materials and consultant work. Project funding is awarded on a competitive basis. The City had submitted a pre-application for TGM grant funding to perform the Highway 99W corridor study. ODOT staff indicated that the scope of the proposed study is the type of work that the TGM grant program was developed for and would be a strong candidate for grant funding. Discussions with Council in previous meetings indicated Council support for submittal of an application for TGM grant funding on this proposed project.

The grant application must be submitted by May 23, 2005. However, to allow jurisdictions sufficient time for their governing bodies to schedule official action, letters of support from a jurisdiction's governing body could follow and be submitted as late as June 6, 2005. Because of the lead time involved in scheduling Council consideration of the grant application, the agenda item had to be scheduled for the May 24, 2005 Council meeting, which is a day after the applications are due. To meet ODOT's application deadline and ensure that the City would be in contention for the grant funding, the grant application will be submitted in a timely manner. If Council approves the

resolution, the letter transmitting the resolution will be transmitted to ODOT following the Council action. If Council chooses not to approve the resolution, the application will be withdrawn.

Projects selected to be funded are expected to be announced during the week of July 25, 2005. If the City is awarded a TGM grant, City staff and TGM Program staff will negotiate a detailed statement of work and select a consultant between August 2005 and January 2006. The project is expected to be complete before June 30, 2007.

A successful application will provide funding for a plan to identify projects for improvements to Highway 99W and potential land use changes to alleviate congestion and improve traffic circulation. The plan will build on previous studies and recommend both land use changes and transportation system improvements that address the excess traffic demand on the highway and promote transportation-efficient development patterns that support compact, mixed-use and pedestrian friendly developments. Analysis of potential transportation system improvements will include evaluation of street widening, access management, intersection improvements, parallel roadway connections, and other off-highway improvements.

The plan will be prepared by a consultant hired by the City through a competitive process and will include an extensive public involvement process. The requested grant amount of \$200,000 will be used to pay the consultant and other eligible costs. A twelve percent match by the City in the form of either cash or local expenditures directly related to the project is required. The match may include City staff time, payment to the consultant and other specified expenses.

OTHER ALTERNATIVES CONSIDERED

Do not submit a TGM grant application.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Transportation and Traffic Goal No. 2- Improve traffic flow

ATTACHMENT LIST

Attachment 1: Proposed Resolution

FISCAL NOTES

The proposed grant request is for \$200,000. The cost of City staff time assigned to the project may be sufficient to meet the required City match of \$24,000. However, sufficient funding is provided in the proposed FY 2005-06 Capital Improvement Program to cover any shortfall in this proposed in-kind contribution.

CITY OF TIGARD, OREGON**RESOLUTION NO. 05-****A RESOLUTION SUPPORTING A TRANSPORTATION AND GROWTH MANAGEMENT GRANT APPLICATION FOR THE HIGHWAY 99W CORRIDOR IMPROVEMENT AND MANAGEMENT PLAN**

WHEREAS, Tigard City Council Goal No. 2, Improve 99W, emphasizes the identification of specific solutions to alleviate congestion on the highway; and

WHEREAS, preparation of the Highway 99W Corridor Improvement and Management Plan has been proposed in response to this goal; and

WHEREAS, preparation of the Highway 99W Corridor Improvement and Management Plan is eligible for the State's TGM (Transportation and Growth Management) grant program, which provides funding to local governments in Oregon to carry out transportation and land-use planning activities; and

WHEREAS, the total estimated cost of the project is \$200,000 and the City is responsible for providing twelve (12) percent of that amount in local matching funds.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Council hereby expresses its support for the preparation of a Highway 99W Corridor Improvement and Management Plan and authorizes submission of a TGM grant application for State funding assistance.

SECTION 2: The City is prepared to provide twelve (12) percent of the total cost of the project in local matching funds and has reserved sufficient funding in the Fiscal Year 2005-06 Capital Improvement Program to meet that requirement.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

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RESOLUTION NO. 05-

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AGENDA ITEM # 3.3
FOR AGENDA OF May 24, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approval of Intergovernmental Agreement (IGA) for shared use of public communication network and related equipment to access the Portland Police Data System (PPDS)

PREPARED BY: Chief Bill Dickinson DEPT HEAD OK lump CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Should the City Council approve and authorize the City Manager to sign the IGA among the cities of Beaverton, Hillsboro, Lake Oswego, and Tigard and Washington County for shared installation, operation and maintenance of computer and telecom hardware and software to allow secure, high speed access to the PPDS?

STAFF RECOMMENDATION

Staff recommends approval of this IGA.

INFORMATION SUMMARY

This is an agreement by the parties to purchase and install at Hillsboro's premises a high-speed fiber optic network connection to the City of Portland, to transmit voice, video and data to and from the PPDS server now maintained by Portland on Portland's premises. It also includes the microcomputers/workstations that access the PPDS.

The firewall server that is currently jointly owned by Tigard, Beaverton, Hillsboro and the County provides PPDS connectivity and security and will be provided to perform the same functions under this agreement at no additional cost to the parties beyond the normal maintenance costs associated with its operation.

The IGA covers the placement and maintenance of system components; PPDS User Group organization; budget and cost sharing; financial management; technical management; and security.

This IGA has been reviewed and signed by the City Attorney.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #1, Strategy #6: Specifically address crime and public safety concerns through partnerships.

ATTACHMENT LIST

Attachment A: Copy of IGA document.

FISCAL NOTES

Tigard's share of the initial installation charge is \$13,000, which should cover the majority of the costs, with maintenance or repair costs being shared equally, as needed. This will be paid with funds from the Operations Division account for contractual services (100-1120-601000).

**INTERGOVERNMENTAL AGREEMENT
FOR
SHARED USE OF PUBLIC COMMUNICATION NETWORK
AND RELATED EQUIPMENT
TO ACCESS THE PORTLAND POLICE DATA SYSTEM (PPDS)**

This is an Agreement by and among the City of Beaverton ("Beaverton"), City of Lake Oswego ("Lake Oswego"), City of Tigard ("Tigard"), City of Hillsboro ("Hillsboro") and Washington County "(County)", political subdivisions of the State of Oregon, collectively referred to herein as the "parties," under Chapter 190, Oregon Revised Statutes for shared installation, operation and maintenance of computer and telecom hardware and software to allow secure, high speed access to the Portland Police Data System ("PPDS".)

In consideration of each party's performance of its obligations under this Agreement as they run to the benefit of the other parties, the parties now agree:

1. Scope; Shared Tasks. The parties agree to jointly purchase and cause to be installed at Hillsboro's premises a high speed fiber optic network connection to the City of Portland (Portland), to transmit voice, video and data to and from the PPDS server now maintained by Portland on Portland's premises and the microcomputers (or other workstations) that access the PPDS. A firewall server that is currently jointly owned by Beaverton, County, Hillsboro, and Tigard for use in providing PPDS connectivity and security and it will be provided to perform the same functions under this agreement at no additional cost to the parties beyond the normal maintenance costs associated with its operation.

2. Placement and Maintenance of Certain System Components. Hillsboro agrees to provide and maintain a suitable location for the firewall server, all communication lines connecting to same and all software installed on the server at Hillsboro's data center in Hillsboro, Oregon at no cost to the other parties. Hillsboro shall control all physical connections to the server by the parties hereto and shall limit use of this server to the purpose of providing secure access to the Portland Police Data System for the parties as well as any additional parties added through the procedures specified in Section 8. Portland will continue to maintain the PPDS server and all connections at suitable premises to be furnished by Portland and at no cost to the other parties. Hillsboro and Portland through a separate IGA agree to maintain in reasonable working condition, the fiber optic network connection and other telecom connections between the PPDS server housed at Portland to the point where that connection terminates at the communications equipment on the firewall housed at Hillsboro, not including the firewall hardware and software installed on the firewall at Hillsboro.

3. Organization.

a. Representation. The parties shall form a PPDS User Group with one voting representative to be appointed from each party. Each party may send additional non-voting staff to attend User Group Meetings.

b. Meetings. The PPDS User Group shall meet at least once per year, in July, to review

the list of IP addresses and devices currently assigned and determine the pro rata share of each party. Additional business may also be conducted at this meeting including the election of the group chairperson if the term of the then current chairperson is close to expiration.

c. Chairperson. At its first meeting the User Group shall elect a chairperson. The term of this chairperson and each subsequently elected chairperson shall be one year or until a successor is elected. The Chairperson shall devise the agenda for each meeting and shall interpret and enforce the procedures manual for use of the PPDS connection.

d. Quorum Required. A majority of the existing voting members constitutes a quorum for conducting business, including the addition of parties and addition of voting members. Any action taken at a meeting requires an affirmative vote by a majority of the voting parties attending the meeting.

4. Budget and Cost Share.

a. The original parties shall share the costs of initial purchase and installation of the fiber optic network connection between the firewall housed at Hillsboro and the PPDS server(s) housed at Portland. Each party's share shall be an equal portion of the total estimated purchase and installation costs. If the estimate exceeds the amount actually paid for the initial installation of the shared system, the balance shall be retained in a common fund to be applied to future system upgrades and other purchases and to the costs of shared maintenance of the system. If the actual costs of the installation of the fiber optic network exceed the amount collected, each party shall pay an equal share of the excessive costs.

b. At the initial organizational meeting referenced in Section 3, the parties shall establish a reasonable cost necessary to maintain the shared components. Each party shall annually pay a pro rata share of those costs to maintain the shared components of the system that are not maintained by any one of the parties at its own cost. Each Party's pro rata share shall be based on the number of fixed addresses each party has connected to the system on July 1 of each fiscal year.

c. Shared costs will be billed to each of the parties annually each August based on costs associated with the maintenance and operation of the connection and equipment. Full payment shall be due within 30 days of receipt of the invoice. Any excess funds received by the PPDS User Group shall be applied to future costs associated with the maintenance and operation of the equipment and connections.

d. The voting parties shall resolve any question as to whether maintenance or repair of a system component should be shared among the parties or instead should be paid by the party making the request, based on whether an act or omission of the party making the request is the primary cause of the need for maintenance or repair. Security of this system is crucial and the maintenance provider must meet all requirements associated with access to a criminal justice information system in addition to being technically qualified.

5. Financial Management Hillsboro will hold in trust for the benefit of all parties, all

funds payable by the parties for any and all of the goods and services to be purchased from all persons, including members of the PPDS user group and external third parties, according to this Agreement and shall pay invoices from those vendors or agencies, after the User Group Chairperson has approved payment, from those same funds. Hillsboro shall follow current generally accepted accounting principles and current government accounting and financial reporting rules in managing those funds. Hillsboro shall have no independent authority to adjust the terms of contracts with such vendors or adjust the price or rates payable to those vendors for goods and services without express prior approval of the User Group with the exception of the costs associated with the fiber optic connection which are defined and regulated under separate intergovernmental agreement (IGA) between Portland's Integrated Regional Network Enterprise (IRNE) and Hillsboro.

6. Technical Management The PPDS User group will enter into a mutually agreed upon contract with a qualified, technically competent entity to provide firewall maintenance and account management on the firewall. This agreement must, at a minimum, provide for:

- i. Hardware maintenance and troubleshooting of firewall equipment including upgrades and patches.
- ii. Software maintenance and troubleshooting of firewall software including upgrades and patches.
- iii. Qualified technical personnel meeting all requirements associated with access to criminal justice systems.
- iv. 4 hour response time for all requests during normal, non holiday work days between 8 AM and 5 PM.
- v. A single contact number for assistance during normal, non holiday work days between 8 AM and 5 PM and a single contact number for all other times.

County shall have the first right of refusal of the parties' offer to contract for these services on the terms and price offered by the parties. If County refuses and no other party is willing to provide the management services under the terms defined by the voting members, an acceptable 3rd party can be contracted to provide these services.

7. Security. All parties agree to enforce the policy to be devised and approved by the voting parties for controlling access to the PPDS system by each party's employees and for controlling use of information gained from authorized access. Access to the system shall be controlled by the maintenance provider as described in section 6, via the firewall at Hillsboro, and by Portland via the firewall at the PPDS server(s) and by restricting access to fixed IP addresses for each party. No additional addresses may be assigned without approval of the voting parties, an appropriate re-allocation of ownership shares and the cost of buy-in and maintenance, and the express acknowledgment of Portland. The approved maintenance provider and Portland shall agree on any minor operational changes necessary to maintain the system in the desired state of working order and shall communicate those changes to all parties before the changes become effective. Major changes to operational procedures shall

require approval by majority vote of the voting parties. Guidelines and examples of the distinction between major and minor changes shall be defined in the Procedures Manual.

8. Procedures. The voting parties shall approve a Procedures Manual that will contain operational definitions and participant responsibilities in a format that may change as the parties' needs change over time. The Procedures Manual once adopted may be amended at any meeting of the User Group by a majority vote of voting parties present provided that all existing parties have at least fourteen (14) days prior written notice of the proposed amendment. The Manual shall be reviewed at least annually during a regular PPDS User Group meeting for any changes deemed necessary or desirable.

9. Additional Parties. Additional parties to this Agreement are limited to those entities defined as "units of local government" in ORS Chapter 190 and authorized by Oregon law to conduct sworn law enforcement activity. Additional parties may join this Agreement only by approval by majority vote of the voting parties present at a PPDS User Group meeting providing all current parties have been notified of the proposed addition at least fourteen (14) days notice in advance of the vote. At this meeting the voting parties shall set the fee to be charged to the new party. If a majority of the voting parties present, as defined above, can not agree on an appropriate fee to be charged, the new party shall pay a fee of \$400 for each device that they connect to the new system during the first year of its membership. The buy in fee shall be applied, in equal shares, to offset the annual maintenance charges of Beaverton, County, Hillsboro, Lake Oswego, and Tigard. A new party shall also pay a fee that reflects a pro-rata share of the annual maintenance cost of the system proportional to the number of fixed IP addresses (for microcomputers and printers) that the party desires to connect to the system in relation to the total number of such addresses in the system including the new addresses. Additional parties thereafter shall share in the costs of continuing maintenance (for those system components for which maintenance costs are shared) in the same proportion (number of addresses / total addresses).

Additional parties may be granted status as a voting party only by approval by majority vote of the voting parties present at a PPDS User Group meeting providing all current parties have been notified in writing of the proposed addition at least fourteen (14) days in advance of the vote. Once granted voting rights, the party is allowed to participate as defined in Section 3. Additional parties not granted a voting right shall be allowed to send representatives to user group meetings but will not be allowed to participate in any votes called during those meetings.

10. Ownership; Termination; Dissolution. Each party shall own a partial, undivided common interest in all hardware and software purchased and installed for common use from and after the date this Agreement is executed, and in all unexpended and unencumbered funds held by Hillsboro for the parties' joint use, in the same proportion as the party pays for maintenance and continuing costs for hardware and software upgrades and for new equipment with the exception of the original firewall hardware and software which is owned by Beaverton, County, Hillsboro, and Tigard and the original

IRNE related network hardware which is owned by Beaverton, County, Hillsboro, Lake Oswego, and Tigard. This Agreement shall be of unlimited duration so long as Portland continues to serve as an access provider as defined in the separate individual agreements, and so long as Hillsboro and at least one other local government body continue to be parties. Any party may terminate its participation in this Agreement prior to dissolution by giving not less than 60 days' advance notice of its intent to terminate. The termination will not be considered effective, regardless of notice, until the party requesting to terminate its participation has paid the full costs associated with its participation for the entire fiscal year in which it requests termination. On termination a party shall not be entitled to any refund of amounts already paid by that party for start-up, maintenance or continuing costs whether or not any portion of the amount paid remains unencumbered or unexpended. On termination a party's further financial obligations as to the User Group shall cease but the party shall forfeit any and all legal and equitable claims it may have to any goods or services purchased (or held for future such purchases) for use by the parties to this Agreement. On dissolution of this Agreement, Hillsboro shall cause the then existing hardware and software to be sold and shall distribute the proceeds of the sale (and the balance of any unexpended and unencumbered funds held by Hillsboro under this Agreement) to the parties according to each party's proportional ownership interest in same. The proceeds associated with the sale of the original firewall equipment shall be divided equally among Beaverton, County, Hillsboro, and Tigard. The proceeds associated with the sale of the networking equipment purchased under the IGA with Portland for IRNE services shall be divided equally between Beaverton, County, Hillsboro, Lake Oswego, and Tigard.

11. Indemnification. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party.

12. Counterparts. This contract may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

SUBSCRIBED TO AND ENTERED INTO by the appropriate officer (s) who are duly authorized by resolution to execute this Agreement on behalf of the governing body of the below-named unit of local government.

Dated this _____ day of _____, 2005

City of Beaverton

City Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2005

City of Hillsboro

City Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2005

City of Lake Oswego

City Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2005

City of Tigard

City Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2005

Washington County

City Attorney
APPROVED AS TO FORM

AGENDA ITEM # 3.4 a.
FOR AGENDA OF May 24, 2005

CITY OF TIGARD, OREGON
LOCAL CONTRACT REVIEW BOARD (LCRB) AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Contract Award for Banking Services
PREPARED BY: Joe Barrett JB DEPT HEAD OK [Signature] CITY MGR OK CP

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the LCRB approve the award of a contract for Banking Services to US Bank?

STAFF RECOMMENDATION

Staff recommends the LCRB award a contract for Banking Services to US Bank and authorize staff to negotiate and execute the formal agreement.

INFORMATION SUMMARY

The City of Tigard's banking practices have changed dramatically over the last five years. The City has moved from the more traditional way of banking to a more progressive method of using the internet and other electronic means of banking. These progressive and modern practices have granted the City the ability to stay on top of its cash needs and requirements and allows the City's managers to have up to date information regarding cash balances. These practices have also afforded the City the opportunity to streamline many of the daily and monthly processes, thus freeing staff time for other finance related projects. As the City's current contract for banking services expires in June of 2005, a new contract which encompasses these improved practices as well as offering room for more progressive methods is critical.

In response to the current contract's expiration, staff developed and released a Request for Proposal (RFP) which included details on the City's current practices as well as requesting information on additional practices available to the City. The City received four proposals in response to the RFP. The four respondents were: Bank of America (the City's current bank); US Bank; Key Bank; and West Coast Bank, all with branches located in Tigard. Staff reviewed these proposals based on four criteria; Bank Profile & Qualifications (60 pts.); Relationship Team Qualifications (30 pts.); Service Approach (60 pts.); and Fee Structure (50 pts.). Interviews were also held with an additional 50 points awarded during the interview phase.

Based upon the proposal reviews and interviews, staff has determined US Bank to be the bank which best meets the needs of the City. Staff recommends the LCRB approve a contract with US Bank with a three (3) year term with two (2) additional one (1) year options.

OTHER ALTERNATIVES CONSIDERED

1. Do not award contract to US Bank and direct staff to conduct a new Request for Proposal.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

No Attachments.

FISCAL NOTES

As long as the City is able to maintain a minimum balance of \$2.0 million in the accounts, the earnings credit will more than offset any services fees. In addition, US Bank offered the City a one-time earnings credit of \$5,000.

AGENDA ITEM # 3.46
FOR AGENDA OF May 24, 2005

CITY OF TIGARD, OREGON
LOCAL CONTRACT REVIEW BOARD (LCRB) AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Contract Award for ASR 2 Well Head Improvements

PREPARED BY: BR [Signature] DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board (LCRB) approve the award of a construction contract for well head improvements for ASR 2, the City's second aquifer storage and recovery (ASR) well?

STAFF RECOMMENDATION

Staff recommends the LCRB, by motion, approve the contract award to Schneider Equipment, Inc.

INFORMATION SUMMARY

The City determined several years ago that aquifer storage and recovery (ASR) is a prudent system for the City, whereby drinking water can be purchased in the winter months, at a lower cost, stored in a deep well and then pumped into the water distribution system during the hot summer months. The City already has one ASR well (ASR 1) located on SW Canterbury Street that enables the City to store over 100 million gallons of drinking water for use in the summer.

Last winter and spring, the City completed the drilling of the second ASR well, located at the 10 MG reservoir site on Bull Mountain Road. Since that time, the well head improvements, consisting of the pipe work, pump, mechanical systems and the well house structure, have been designed and competitively bid. The well head improvements were advertised for bid on April 6, 2005, in the Daily Journal of Commerce, and also on April 7, 2005, in the Tigard Times. The Bid Opening was conducted on April 26, 2005, and the bid results are:

• Engineer's Estimate	\$1,200,000.00
• Schneider Equipment, Inc.	\$1,084,000.00
• Emery & Sons Construction, Inc.	\$1,124,805.00
• HPS Construction	\$1,359,707.00
• Geo-Tech Explorations	\$1,309,634.00
• TransAmerican Contractors, Inc.	\$1,167,360.00
• Stellar J. Corporation	\$1,102,207.00

Based upon the bids submitted, the lowest responsive bid of \$1,084,000.00, submitted by Schneider Equipment, Inc., appears to be reasonable. Staff recommends the LCRB award the contract to this lowest qualified bidder.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

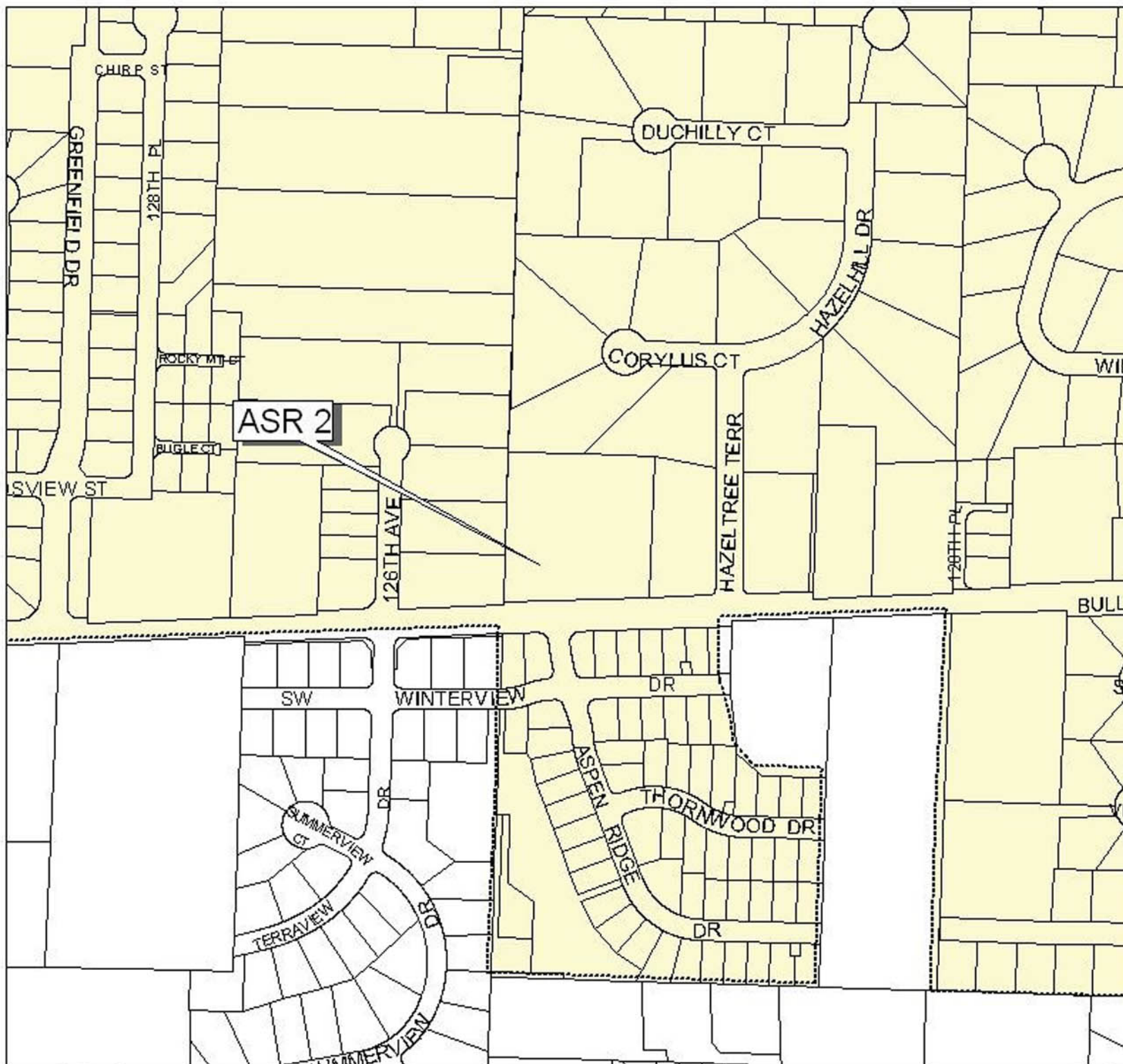
This project meets the Tigard Beyond Tomorrow Urban and Public Services Goal #4: "Actively participate in regional development of water sources and adequate, innovative funding mechanisms to develop those sources for Tigard users while exploring local options for water reuse and groundwater sources."

ATTACHMENT LIST

1. Project location map

FISCAL NOTES

This project is funded from the Water CIP Fund. \$720,000 was budgeted in the FY 04/05 budget, but staff expects that there will be \$400,000 left unspent by June 30, 2005, based upon the anticipated construction schedule for the well head improvements. Therefore, \$400,000 would be carried over into the FY 05/06 budget. There were no funds budgeted for ASR 2 in the FY 05/06 budget. Total project costs anticipated in 05/06 for ASR 2 is \$1,048,500. A technical adjustment was presented to the Budget Committee on May 2, 2005, to appropriate the \$400,000 mentioned above, plus an additional \$648,500, bringing the total funding for ASR 2 to \$1,048,500 for FY 05/06. Assuming the technical adjustment is approved, there would be sufficient appropriations in the Water CIP Fund in both the FY 04/05 and 05/06 budgets to cover the proposed contract to Schneider Equipment, Inc. in the amount of \$1,084,000.00.

VICINITY MAP
ASR 2

N

0 100 200 300 400 feet

1" = 300 feet



Information on this map is for general location only and
should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>

AGENDA ITEM # 3.4c.
FOR AGENDA OF May 24, 2005

CITY OF TIGARD, OREGON
LOCAL CONTRACT REVIEW BOARD (LCRB) AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Reimbursement to West Hills Development for Waterline Construction
PREPARED BY: B. Rager PR DEPT HEAD OK DM CITY MGR OK cl

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the LCRB authorize the reimbursement of funds to West Hills Development for the construction of a large diameter transmission waterline through the Arbor Summit Subdivision development?

STAFF RECOMMENDATION

Staff recommends the LCRB authorize the reimbursement of \$106,303.06 to West Hills Development.

INFORMATION SUMMARY

Section 10.070.C of the LCRB Rules provides that when a developer is required by condition of approval in a land use action to construct public improvements, the City can consider the developer a sole source and is not required to bid the work in a competitive process. West Hills Development was conditioned to install large diameter public transmission waterline through their Arbor Summit Subdivision development that will support the 550-foot pressure zone improvements in that area. West Hills completed that work and the waterline is now ready for use.

The attached memorandum provides additional information about the improvements and the requested action.

OTHER ALTERNATIVES CONSIDERED

n/a

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

n/a

ATTACHMENT LIST

1. Staff Memorandum, dated May 4, 2005
2. Map showing location of transmission line in relation to subdivision.

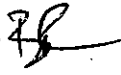
FISCAL NOTES

The amount of reimbursement to West Hills Development is \$106,303.06. Each fiscal year, the City budgets funds in the Water SDC/CIP Funds to cover expenses for pipeline extensions or waterline over-sizing in private developments. There is \$250,000 budgeted in this category in the FY 04/05 budget, with none of those funds spent thus far. Therefore, there is more than adequate funding available to cover the West Hills reimbursement.

**MEMORANDUM
CITY OF TIGARD, OREGON**

DATE: May 4, 2005

TO: Tigard City Council

FROM: Brian Rager, Assistant Public Works Director 

RE: Reimbursement to West Hills Development for Water Line Construction

Background

Section 10.070.C of the City of Tigard Local Contract Review Board Rules, states that:

“At times, private developers provide public improvements for the City as required by a condition of land use approval or as required by a development agreement with the City. The developer in those circumstances is conclusively deemed to be a sole source for the provision of the public improvements, without the need for findings. No competitive process is required to enter into a development agreement that includes the provision of public services by a developer or for a developer to provide and the City to accept public improvements as required by a condition of approval.”

The City has been working toward making improvements to the 550-foot pressure zone for the public water system. A 3.0 million gallon (MG) reservoir is currently proposed near the top of Bull Mountain, in the vicinity of the Alberta Rider Elementary School and the Arbor Summit and Summit Ridge subdivision developments. That reservoir will feed the 550-foot pressure zone, which lies to the south of Bull Mountain Road.

In order to serve the 550-foot pressure zone, a 24-inch transmission waterline is needed that will connect to the future reservoir and run south through the Arbor Summit and Summit Ridge developments.

The Arbor Summit Subdivision (Land Use No. SUB 2004-000008) was approved with a condition that required the developer to install the portion of the 24-inch transmission line through the site. Condition No. 20 reads as follows:

“The applicant shall coordinate their water plans with the City’s Water Department (STAFF CONTACT: Brian Rager) to provide for the extension of a new 24-inch transmission line. Public Utility Easement widths shall be adjusted to accommodate this line.”

In accordance with 10.070.C of the LCRB Rules, Staff deemed it appropriate to get the waterline installed as a part of the development to avoid having to re-excavate the streets in the future, and because we anticipate the future reservoir to be constructed within the next few years. The

condition of approval was incorrect in requiring a 24-inch line. The portion of transmission line that passes through this site is only required to have segments of 18-inch and 20-inch diameters. West Hills Development, the developer for Arbor Summit, completed the installation of the 18-inch and 20-inch transmission line segments through their site in accordance with City standards, and the line is now ready to use once the reservoir is in place.

Value of Improvements

West Hills Development provided information to the City that showed the actual costs required to construct the transmission line was \$106,303.06. Staff reviewed the cost information and verified that the expenses were justified and in line with the approved plans for the water line.

Staff budgets funds each fiscal year to cover pipeline extensions or waterline over-sizing in private developments. "Over-sizing" is when a developer is required to install a larger line than what their development specifically needs, but is necessary for the benefit of the overall water system. For instance, a developer may be required to install a 12-inch line that is needed for the system, but their development demand may only require an 8-inch line. In a case like this, the City would reimburse the difference in cost between an 8-inch line and the 12-inch line.

The transmission line in question will not serve Arbor Summit, as the development lies within the City's 710-foot pressure zone and will be served by other 710-foot zone waterlines. Therefore, the City agreed to reimburse the developer 100% of the costs of the transmission line.

Staff budgeted \$250,000 in the FY 04/05 budget to cover pipeline extensions and over-sizing projects. Therefore, there are more than adequate funds available in this category to cover the West Hills reimbursement.

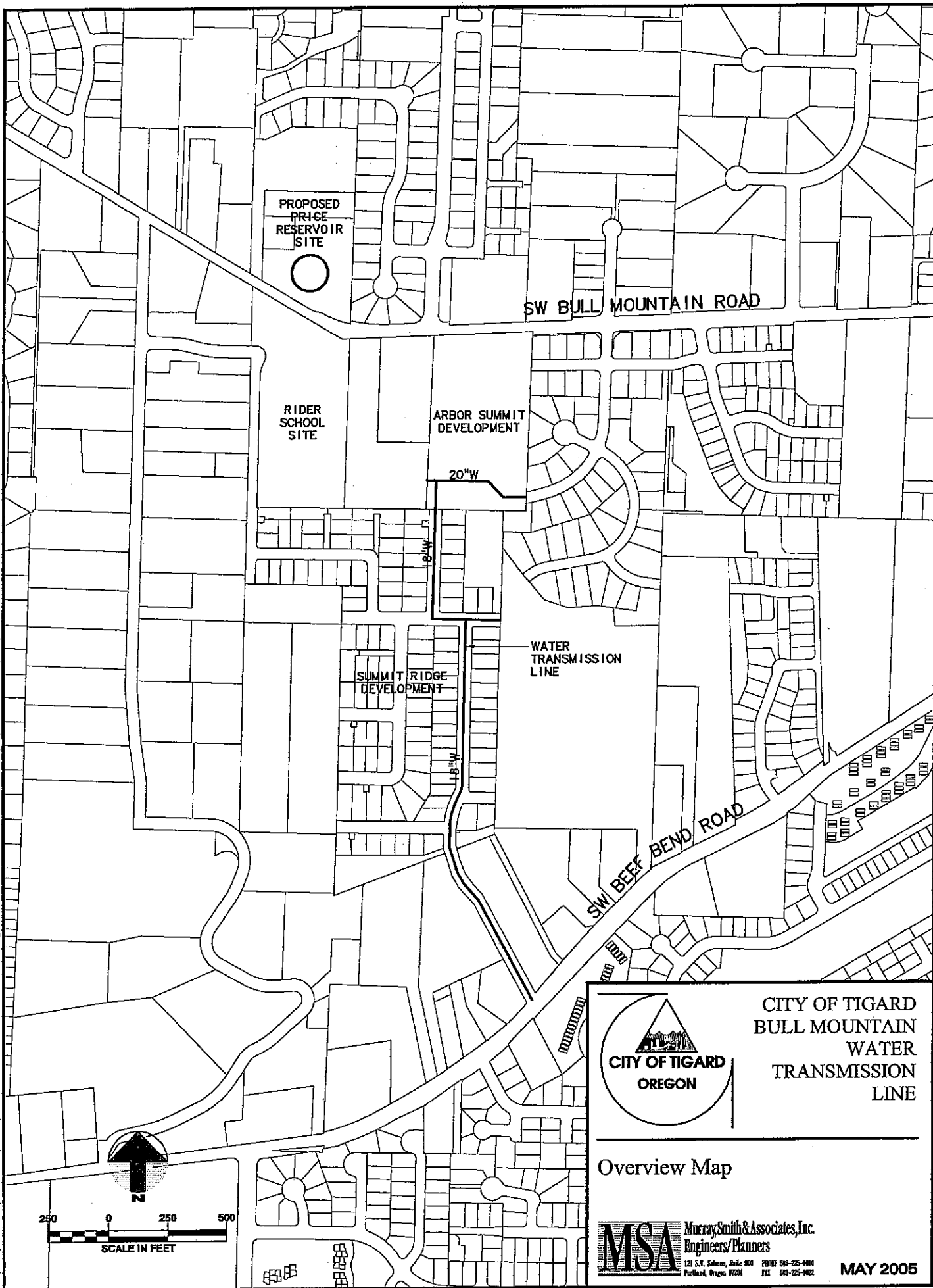
Other Developments Involved

As was mentioned above, this transmission waterline also extends through the Summit Ridge development. Venture Properties, the developer of that project, has not yet submitted a reimbursement request for that portion of the work.

Recommendation

Staff finds that West Hills Development complied with Condition No. 20 of SUB 2004-00008, and recommends the LCRB authorize payment to West Hills Development in the amount of \$106,303.06.

F:\BD\Clients\TIGARD\CAD\TIGARD BULL MT EXHIBIT.dwg SW BULL MOUNTAIN ROAD 5/6/05 14:06 (dkh)



AGENDA ITEM # 3.4d.
FOR AGENDA OF May 24, 2005

CITY OF TIGARD, OREGON
LOCAL CONTRACT REVIEW BOARD (LCRB) AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Contract Award for Tiedeman Pressure Reducing Valve (PRV) Station Replacement

PREPARED BY: BR DEPT HEAD OK *AM* CITY MGR OK *cl*

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board (LCRB) approve the award of a construction contract for replacement of a failed pressure reducing valve (PRV) station?

STAFF RECOMMENDATION

Staff recommends the LCRB, by motion, approve the contract to Kerr Construction.

INFORMATION SUMMARY

The City's primary water supply is from the City of Portland, Water Bureau. The water is piped into our water system at the corner of SW North Dakota Street and SW Tiedeman Avenue. This location feeds two different pressure zones (410 and 470-foot elevations).

In late February, 2005, our 410-foot elevation zone PRV station failed. Staff has been able to operate the water system under low water demand periods. With the summer quickly approaching, staff will be unable to compensate for the PRV failure in order to meet the summer "peak" demands.

In March of this year staff began the process of soliciting input from engineers, and equipment suppliers as to the options to repair this valve assembly. Complicating the issue is the location of this valve, located in the busy intersection of North Dakota Street and Tiedeman Ave.. This analysis was summarized in a technical memo prepared by Murray Smith and Associates (MSA). Based on the existing and future system demands and the need to minimize traffic disruption at the intersection of North Dakota Street and Tiedeman Avenue, it was determined that the City should replace the PRV Station and vault with a pre-packaged PRV valve and vault.

The Tiedeman PRV Station Replacement was advertised on May 4 and 5, 2005, in the Daily Journal of Commerce, and on May 5, 2005, in the Tigard Times. The Bid Opening was conducted on May 12, 2005, and the bid results are:

- | | |
|-----------------------|--------------|
| • Engineer's Estimate | \$105,000.00 |
| • Kerr Construction | \$ 99,837.00 |
| • Dunn Construction | \$135,965.89 |

Based upon the bids submitted, the lowest responsive bid of \$99,837.00, submitted by Kerr Construction, appears to be reasonable. Staff recommends the LCRB award the contract to this lowest qualified bidder.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

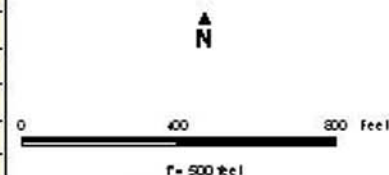
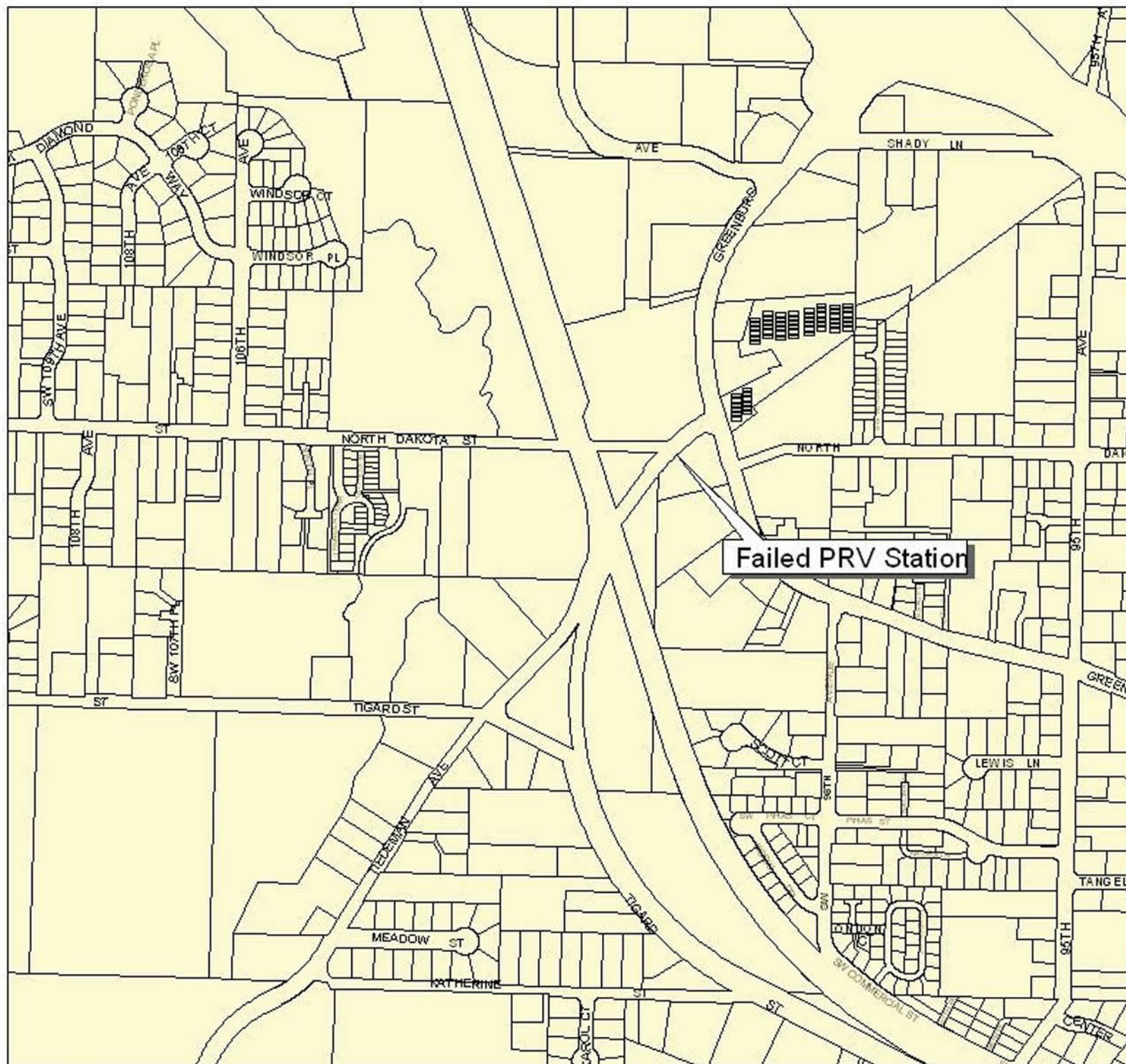
Project Location Map

FISCAL NOTES

This work was not included in the FY 04/05 Adopted Budget as it is an unanticipated equipment failure. However, several projects that were originally included in the budget will not be done this year and some projects were completed under budget. Because of this, there are sufficient appropriations in the Water Fund to pay for this project.

VICINITY MAP
Tiedeman PRV

Station Replacement



Information on this map is for general location only and should be verified with the Development Services Division.
 13125 SW Hall Blvd
 Tigard, OR 97223
 (503) 639-4171
<http://www.ci.tigard.or.us>

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Tigard Municipal Court Annual Report
PREPARED BY: Judge O'Brien & N. Robinson DEPT HEAD OK [Signature] CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Judge Michael O'Brien and Nadine Robinson, Administrative Services Manager, will provide an update on the status of the Municipal Court. The report and presentation will address the court's current programs and caseload.

STAFF RECOMMENDATION

No action required.

INFORMATION SUMMARY

This is the court's sixth annual report to City Council. The court continues to pursue its primary goal of promoting public safety and community values by implementing state and municipal laws in a fair, efficient and professional manner.

During the 2004 calendar year, the court's caseload decreased by 10% to 7,397 violations. However, it was still the second busiest year in the court's history. The Police Department cited 6,911 traffic and parking violations and 110 juvenile misdemeanor/status offense cases into municipal court. The number of traffic violations declined by about 11%, mainly due to reductions in citations for speeding and failure to obey traffic control devices. Safety-belt violations, however, increased by 67%. The Code Enforcement Officer cited an additional 376 civil infraction cases into court, an increase of about 5% over 2003. About 46% of all civil infractions were for sign violations.

As in the previous year, legislation passed during the 2003 session continued to have a major impact on court operations and revenues. Increases in minimum fines, combined with limitations on the discretion of judges to lower fines, resulted in revenue increases of about 16% despite the decline in traffic caseload. In September, the court began to process large numbers of school-zone speeding cases that, by law, carry a high base fine (typically \$201) with minimal reductions allowed. As a result, the court imposed fines and penalties totaling about \$947,000 during 2004, including \$70,000 for civil infractions. The court's total revenues include about \$195,000 in Unitary Assessments and costs that are allocated to the state and county by statute. The court continues to utilize the suspension of driving privileges, collection agencies and other methods allowed by law to enforce and collect its judgments.

Like most courts, the large increase in base fines during 2003 has resulted in a sustained increase in the percentage of "not guilty" pleas, expanding trial dockets compared to previous years. Juvenile cases, by contrast, have an extremely low percentage of "not guilty" pleas.

The remodeling of City Hall during 2004 produced a more efficient and agreeable workspace for court staff. Though the remodeling required two relocations for court staff, the process went smoothly. Greater efficiencies will also result from a recent upgrade in our FullCourt software.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Attachment 1: Court Report Memorandum
Exhibit A: Summary of Court Policies
Attachment 2: Power Point Presentation

FISCAL NOTES

Funds are budgeted for the current programs.

**ANNUAL REPORT TO CITY COUNCIL
Tigard Municipal Court**

May 9, 2005

TO: Honorable Mayor and City Council

FROM: Michael J. O'Brien, Presiding Judge
Nadine Robinson, Court Manager

SUBJECT: 2005 Annual Report from Tigard Municipal Court

Thank you for the opportunity to meet with Council and the Interim City Manager for our sixth annual review of Municipal Court operations. The highlights of 2004 are presented below and in the attached graphs and Summary of Court Policies. As always, we would be happy to answer any questions you may have.

1. City Hall Remodeling: The court staff relocated twice during last year's remodeling of City Hall. Both moves went smoothly and our staff quickly received the benefits: a larger workspace that offers much greater efficiency and a more agreeable work environment. The court also increased its level of automation by upgrading its software to the latest version of FullCourt.

2. New Legislation: As in every legislative session, there are a number of pending bills that could have an impact on Oregon courts. These include a bill that would once again increase fines for criminal and traffic offenses and another that would amend the speeding laws for school zones. We expect that the legislature will increase the Unitary Assessment, a mandatory fee (currently \$37 in most cases) that must be added to all traffic and criminal fines. Senate Bill 581 would expand the discretion of judges in reducing fines for traffic violations.

3. Caseload: As the following 5-year table indicates, the court's total caseload declined by approximately 10% from 2003 to 2004. However, 2004 was still the second-busiest year in the court's history. The figures in Table 1 combine cases from all three of the court's programs: traffic, youth court and civil infractions.

TABLE 1 - COURT CASELOAD (2000-04)

2000	5,489
2001	6,963
2002	7,351
2003	8,250
2004	7,397

The decline in the overall caseload is mainly due to reductions in traffic citations for the two most common traffic violations: speeding and failure to obey a traffic control device (mainly traffic signals and stop signs). Some of this reduction was offset by a large increase (67%) in citations for safety-belt violations. The number of youth-court and code enforcement cases

remained stable in 2004 compared to 2003, as discussed below. The decline in the court's traffic caseload partly coincided with the remodeling of City Hall, helping to minimize the disruptions caused by two relocations of court staff from November to January.

4. Traffic Program: The court processed 6,911 traffic and parking violations during 2004 compared to 7,778 during 2003, a decrease of about 11%. Monthly fluctuations in caseload ranged from 366 violations in January to 676 in March, with an average of 576 per month.

As the following table indicates, there were reductions in some types of violations (notably speeding and traffic control devices) and major increases in others (notably seat belt violations):

TABLE 2 – CHANGES IN CITATIONS FOR SELECTED OFFENSES

Violation	2004	2003	% Change
No safety belt	630	379	+67
Traffic control devices	1,014	1,599	-37
Speeding	2096	2,392	-11
Insurance violations	691	850	-19
Expired registration	237	217	+9
Sign code violations	172	189	-9
All civil infractions	376	357	+5
All traffic cases	6,911	7,778	-11
All cases	7,397	8,250	-10

As in other courts, the substantial increase in base fines following the 2003 legislative session continues to produce an increase in the percentage of cases going to trial. Approximately 14% of all traffic citations result in a not-guilty plea. By comparison, only a handful of Youth Court cases has resulted in a plea of not guilty.

While there was an 11% decrease in the number of speeding citations last year, the court began to process school-zone speeding violations under a new law that went into effect in July, 2004. These violations carry an enhanced base fine (typically \$201) and the court has very limited discretion in making reductions even for drivers with perfect records.

5. Youth Court: The court processed 110 juvenile misdemeanors and status offenses in 2004, compared to 115 in 2003. Although the type of juvenile offenses has diversified, about two-thirds of all offenders are referred to the court for theft offenses, primarily for shoplifting.

Since its inception in 2002, Tigard's Youth Court has processed about 330 delinquency cases. This unique program was developed for first-time offenders in collaboration with the Tigard Peer Court, Tigard Police Department, Washington County Juvenile Department and several other agencies. Each case is screened for eligibility by the Peer Court Coordinator and Juvenile Department before it is accepted by Youth Court.

In juvenile misdemeanor cases, the court typically imposes a term of probation with various conditions including community service, a counseling program and, when appropriate,

(For additional details, please refer to the attached Summary of Court Policies.) Youth Court programs have continued in essentially the form described in our presentation to Council in October, 2003.

Nearly all cited juveniles have appeared at arraignment with one or more parents. The vast majority (more than 90%) of juvenile offenders has completed probation successfully.

The court ordered 2,227 hours of community service during 2004. Since the inception of the Tigard Youth Court in 2002, juvenile offenders have been ordered to complete a total of 3,452 hours of community service. Approximately 42% of referred juveniles were Tigard residents, a slight increase over 2003.

5. Civil Infractions: The court received 376 citations for civil infractions (Municipal Code violations) during 2004, compared to 357 in 2003, an increase of about 5%. Sign-code violations comprised about 46% of the civil-infractions caseload, a small decrease from 2003. The court reduces the penalty in cases where a respondent is in compliance and there were no prior code violations. If a respondent is not in compliance, the court imposes a substantial fine and orders compliance within a specified period of time. Repeat offenders are subject to double or quadruple penalties by City Code. Penalties for Municipal Code violations totaled about \$70,000 during 2004.

6. Compliance Program: In cases involving insurance and drivers' licenses, defendants may be allowed a reasonable time to come into compliance with Oregon law. In return, a defendant presenting proof of compliance, including a valid license and proof of insurance, may be granted a reduction in the fine initially imposed by the court. This program enhances public safety in Tigard by increasing the number of licensed and insured drivers on our streets.

7. Revenues: The court imposed fines and penalties in the total sum of approximately \$947,000 during 2004, an increase of about 14% over 2003. Of the total fines and penalties levied in 2004, \$704,000 was collected as of December 31, 2004. This figure includes \$195,000 in Unitary Assessments and other costs that were allocated to state and local agencies by statute. As with all other courts, collection rates depend on a number of complex and shifting factors: the type and duration of payment agreements, legislative changes in fine schedules, the number of default judgments, personal bankruptcy filings, the efficacy of license suspensions, the extent of compliance in civil-infractions cases, the percentage of cases referred to collection agencies, and numerous other variables.

We welcome any questions you have concerning court operations.

SUMMARY OF COURT POLICIES

Tigard Municipal Court

1. Mission Statement: The court's overriding goal is to promote public safety and community values by implementing state and municipal laws in a fair, efficient and professional manner. For most people in Oregon, their direct experience of the legal process typically arises from a traffic citation. The court strives to make that experience a positive one by educating citizens about relevant laws and traffic safety in a context of excellent customer service.

Juvenile cases are adjudicated in a manner that promotes accountability, deters recidivism, encourages the active involvement of parents, protects the community and secures restitution for victims.

2. Youth Court: Juveniles who are referred to the court's youth program will be subject to clear and substantial consequences if they have committed a criminal or status offense. These consequences include a term of probation with one or more of the following conditions: alternative community service, a counseling program, victim restitution, letters of apology to victims, payment of a court diversion fee, and/or participation in Peer Court as a juror. In appropriate cases, parents may be required to take part in restitution or counseling programs, including parenting classes. The court expects 100% compliance with its orders.

Juvenile arraignments take place in our court on Thursday and Friday afternoons. All parents are mailed a summons that requires them to appear with their child at arraignment. In each case, the court conducts a formal misdemeanor arraignment in open court. Under criteria developed with the Washington County Juvenile Department and City Prosecutor's office, misdemeanors are reduced to violations at arraignment for eligible juveniles. At the end of each session, a written order is entered and discussed in detail with the parents and juvenile. Probation violation hearings are scheduled for juveniles who are not in compliance with the court's order.

3. Court Policies in Imposing Fines: As a result of 2003 legislation, judges were given limited discretion in imposing fines for most traffic offenses and misdemeanors. Maximum fines are established by law for various categories of traffic offenses, from Class A (\$720) to Class D (\$94). Minimum fines are enhanced for violations relating to school zones, highway work zones and traffic accidents.

In addition to statutory standards for imposing fines, the Oregon Supreme Court devises minimum "base fine" schedules after each legislative session according to a formula set forth by statute. A base fine (formerly called "bail") is the amount that a defendant can remit to the court if he or she chooses not to contest a citation. It is written on the front of each citation by the issuing officer. Courts are specifically authorized by statute to adopt higher base fines than the minimums promulgated by the Supreme Court. For defendants with good driving records, actual fines tend to be lower than the base fine stated on the citation.

Within the range established by the statutory maximum and minimum fines, the court considers the following circumstances in assessing fines in traffic, misdemeanor and civil-infraction cases.

1. The nature of the offense, as classified by Oregon law (Class A-D) or the Tigard Municipal Code;

2. The defendant's record of prior offenses, if any; and,
3. Specific mitigating or aggravating circumstances, including: a defendant's explanation of the circumstances; lack or presence of intent; the City's recommendation, if any; demonstrated indigency; and the extent of compliance in cases involving licenses, registration, insurance, equipment and Municipal Code violations.

The court recognizes that law enforcement and administration, including traffic enforcement, impose substantial costs on the community. In order to continue to enforce its laws, a community must generate revenue from available sources to sustain these operations. It is the goal of the court to ensure that the overall costs of court administration are recovered through the imposition of fines and other financial sanctions on those who commit offenses.

Many defendants, especially in traffic cases, have good records and are cited for less serious moving violations. While it is appropriate to impose sanctions to deter future misconduct, it is the court's goal to ensure that citizens leave the courtroom convinced that they have been listened to and treated fairly.

4. Noncompliance: If a defendant fails to appear as required by law, the court will enter a default judgment and order a suspension of the defendant's right to drive in Oregon. Defendants who fail to pay a fine imposed by the court are subject to license suspensions and referral to a collection agency. Collection charges of 25% are added to delinquent accounts. For repeat Municipal Code infractions, respondents may be subject to double or quadruple civil penalties.

5. Traffic Diversion Program: The large majority of our traffic citations are resolved through the imposition of a fine. In accordance with longstanding court policies, juvenile first offenders and senior citizens (persons over 65) may be referred to one of several driver-education programs. First offenders for seatbelt violations are eligible to take part in a seatbelt class conducted by a trauma nurse from Emanuel Hospital in Portland. In addition to completing the assigned program, defendants may also be required to receive no new convictions for a designated period of six months or more. Defendants are also required to pay a court diversion fee. Once these requirements are met, the citation may be dismissed.

6. Court Interpreters: The court regularly provides interpreters to defendants (typically Spanish-speaking) who are unable to effectively communicate in English. As needed, the court provides interpreters for other non-English-speaking defendants. The court regularly provides letters and other court documents in Spanish in traffic, juvenile and civil-infracton cases.

7. Court Publications: The court is committed to providing information about Oregon law and court procedures in understandable form, both in its written materials and online (see http://www.ci.tigard.or.us/city_hall/departments/municipal_court/). These materials are designed to make the most efficient use of court time by informing defendants about state law and court procedures.

8. Court Rules: The court follows the Uniform Trial Court Rules (UTCRC) as adopted by the Oregon Supreme Court. Local court rules are available to the public online and at the front counter.

2005 Annual Report to Council

Michael J. O'Brien, Judge
Nadine Robinson, Manager
Tigard Municipal Court

Municipal Court Programs

1. Traffic
2. Youth Court
3. Civil Infractions

Infrastructure improvements

- City Hall remodeling: required two relocations, but resulted in greater efficiency and more agreeable workspace for staff.
- Upgraded FullCourt software to latest version.

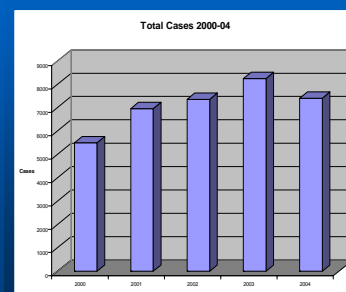
2005 Legislative session

- Maximum, minimum and base fines likely to increase for traffic violations.
- State Unitary Assessment may increase (currently \$37 per violation).
- Possible changes in traffic laws: school zone speeding and insurance violations.
- May expand court's discretion in reducing fines.

2004 Caseload

- 7,397 violations processed.
- Second busiest year in court's history.
- Court's traffic caseload decreased by about 10% during 2004.
- Juvenile and code enforcement caseloads remained stable.

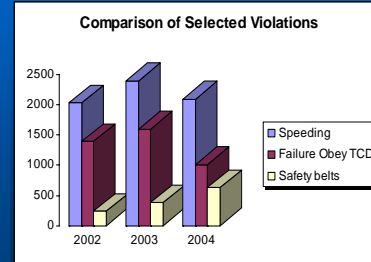
Caseload 2000-04



Traffic Program

- 6,911 traffic violations (including 357 parking tickets) processed during 2004.
- A decrease of approximately 10% from 2003.
- Most common violations are speeding (30%) and failure to obey a traffic control device (15%), though both declined in 2004.
- 67% increase in safety-belt violations.

Caseload variations 2002-04



Traffic fines

Fines generally based on:

- Type of offense and applicable maximum or minimum fines. State law allows reduction of 25% below base fine in most cases.
- Previous record.
- Aggravating or mitigating circumstances: defendant's explanation, lack of intent, extent of compliance, indigency, recommendation of City.
- Consideration of costs to community for law enforcement and adjudication.
- Enhanced penalties may apply (school and work zones, accidents).

Driver Compliance Program

- For insurance and license cases.
- Reduction in fines for those who comply within time required by court.
- Defendants must submit proof of insurance and valid license.
- Fines for equipment violations can be reduced if defendant is in compliance.
- Goal: promote public safety by increasing number of insured and licensed drivers.

Tigard Youth Court

- 330 delinquency cases filed since 2002, when program began.
- 2/3 of citations in 2004 were for shoplifting offenses (110 juvenile misdemeanors and status offenses filed in 2004, about the same as 2003).
- 43% Tigard residents, a small increase over 2003.
- Continued collaboration with Peer Court, Tigard Police Department and Washington County Juvenile Department.

Tigard Youth Court

- Nearly all juveniles appear with parents.
- About 99% enter guilty pleas after full misdemeanor arraignment.
- More than 90% complete probation successfully.
- 2,227 hours of community service ordered in 2004. 1,554 completed as of 12/31/04.
- 3,452 hours of community service ordered since Youth Court created in 2002.

Youth Court Goals

- Prompt and fair adjudication.
- Accountability for offenders.
- Protect the community by deterring repeat offenses.
- Restitution for victims and community.
- Active involvement of parents.
- Education about laws and legal system.

Youth Court: Accountability

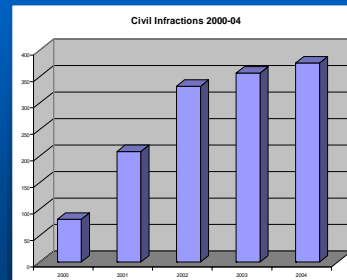
Clear and substantial consequences for those who commit criminal offenses, including as appropriate:

- Bench probation (six months or longer) with 100% compliance expected.
- Alternative community service (3,452 hours to date).
- Counseling programs such as Theft Talk, General Offender and Youth Tobacco Awareness.
- Victim restitution, as appropriate.
- Letters of apology to victims.
- Payment of fine or court diversion fee.
- Jury service in Peer Court.
- Parenting classes.

Civil Infractions

- 376 citations for Municipal Code violations in 2004.
- Increase of about 5% over 2003.
- 172 sign code violations (about 46% of total), down from 189 in 2003.
- Fines reduced if in compliance at first appearance and no previous civil infractions.
- Compliance required if necessary.
- \$70,000 in penalties assessed during 2004.

Civil infractions caseload



Consequences of noncompliance

Failure to appear, pay a fine or obey a court order may result in:

- Default judgment in amount of base fine or maximum penalty.
- Suspension of defendant's right to drive.
- 25% collection charge.
- Referral to collection agency.
- Bench warrants for juvenile offenders as appropriate.
- Double or quadruple penalties for repeat civil infractions as provided by Municipal Code.

Court Budget

- Court budget: \$233,273 in 2004.
- Court imposed about \$947,000 in fines during 2004 (an increase of 16% over 2003).
- Collections as of 12/31/04: \$704,000.
- Includes \$195,000 in Unitary Assessment and costs allocated to state and county by statute.

Collections

Variables include:

- Payment agreements: frequency, terms and duration.
- Legislative changes in fine schedules.
- Response to license suspensions.
- Personal bankruptcies.
- Extent of compliance in civil infractions.
- Cases referred to collection agencies.
- Default judgments.

Court Goals

- To promote public safety and community values by implementing state and municipal laws in a fair, efficient and professional manner.
- Educate citizens about relevant laws and traffic safety in a context of excellent customer service.
- Resolve juvenile cases in a manner that promotes accountability, deters recidivism, encourages the active involvement of parents, protects the community and secures restitution for victims.

Tigard Municipal Court

**13125 S.W. Hall Blvd.
Tigard, Oregon 97225**

www.ci.tigard.or.us/city_hall/departments/municipal_court

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Metro Update on Highway 217 Corridor Study

PREPARED BY: Barbara Shields DEPT HEAD OK [Signature] CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Metro staff will update Council on the Highway 217 Corridor Study and receive comments from Council.

STAFF RECOMMENDATION

N/A. Review only.

INFORMATION SUMMARY

The major goal of the Highway 217 Corridor Study is to develop transportation improvements that could be implemented in the next 20 years. The study began in 2003 and is a cooperative effort by Metro, Washington County, the Oregon Department of Transportation, TriMet, and the cities of Beaverton, Lake Oswego, and Tigard.

The first phase of the study, completed in 2004, considered a range of six options to improve Highway 217, other streets in the area, transit options, and pedestrian routes (Attachment 1).

The Highway 217 Policy Advisory Committee, made up of community members, business representatives, and elected officials, has selected three options to be considered in the second phase of the study. The second study phase is focusing on a more detailed analysis of how each option could be implemented in terms of public support, environmental and neighborhood effects, financial feasibility and phasing. The second phase is expected to conclude in summer 2005 with the selection of one or two options that would be the focus of detailed environmental analysis.

The objective of the May 24th presentation is to discuss study options considered in the second phase of the study.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

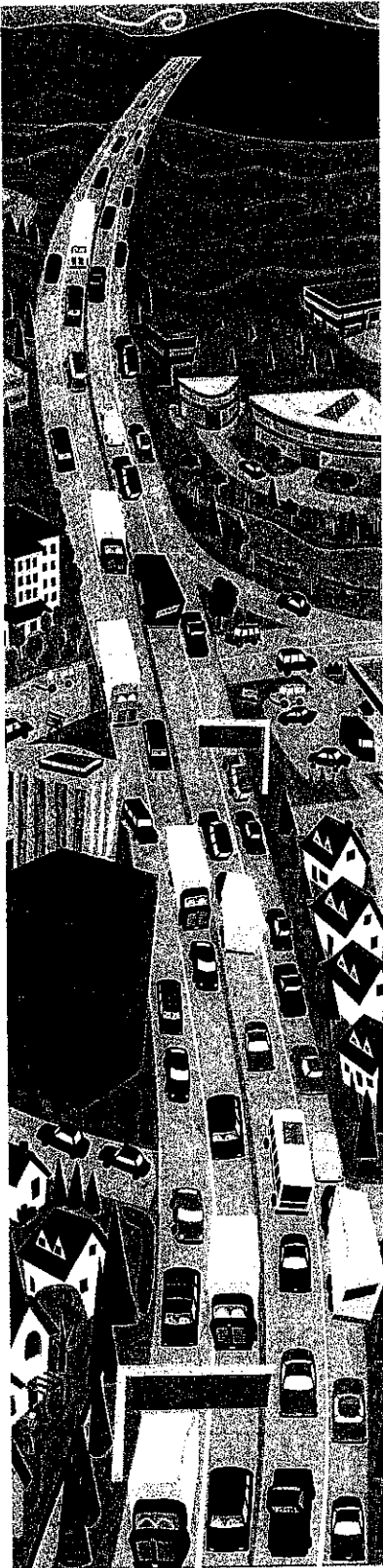
Transportation and Traffic Goal # 3: Alternative modes of transportation are available and use is maximized;
Transportation and Traffic Goal # 4: Identify and develop funding strategies; Growth and Growth Management
Goal #1: Growth while protecting the character and livability of new and established areas, while providing for natural environment and open space throughout the community; Strategy # 3: Address planning and growth issues associated with Regional Center.

ATTACHMENT LIST

Attachment 1: Highway 217 Corridor Study Options

FISCAL NOTES

N/A



Highway 217 Corridor Study options

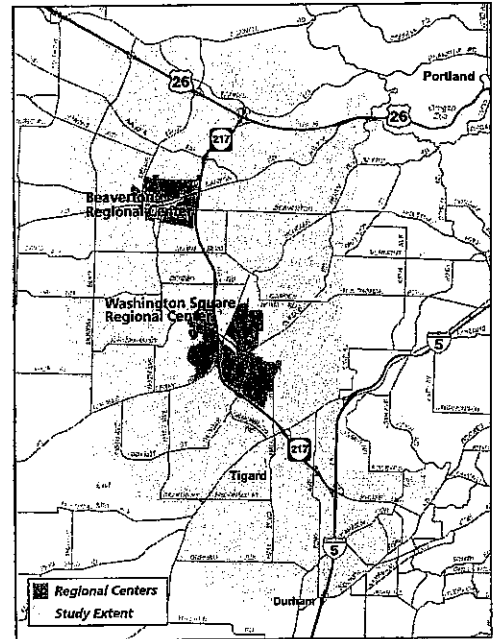
Highway 217 is the major north-south transportation route for the urbanized portion of Washington County. Traffic volumes have doubled in the past 20 years as the county has grown into a booming high-tech and residential center. Peak corridor travel is expected to increase an additional 30 percent during the next 20 years.

Nearly every transportation planning effort that has looked at this part of the region has identified the need for additional capacity on Highway 217.

STUDY GOAL

The goal of the Highway 217 Corridor Study is to develop transportation improvements that will be implemented in the next 20 years to provide for efficient movement of people and goods through and within the corridor while supporting economically dynamic and attractive regional and town centers and respecting the livability of nearby communities.

The study, which began in 2003, is a cooperative effort by Metro, Washington County, the Oregon Department of Transportation, TriMet and the cities of Beaverton, Lake Oswego and Tigard.



STUDY STATUS

The first phase of the Highway 217 Corridor Study, completed in fall 2004, considered a range of six options to improve Highway 217, other streets in the area, transit service, and bike and pedestrian routes.

The Highway 217 Policy Advisory Committee, made up of community members, business representatives and elected officials, has selected three options to be considered in the second phase of the corridor study. The second study phase is focusing on a more detailed study of how each option could be implemented in terms of public support, environmental and neighborhood effects, financial feasibility and phasing.

The second phase is expected to conclude in summer 2005 with the selection of one or two options that would be the focus of detailed environmental analysis.

Key Phase I findings (options in bold are those selected for further consideration in Phase II)

Option	Travel performance	Environmental and neighborhood impacts	Cost (millions, in 2004 \$)	PAC recommendation
1. Arterial, transit and interchange improvements	<ul style="list-style-type: none"> Does not improve overall drive times on Highway 217 Most congestion relief on surface streets 	High	\$544 (\$505 funding gap)*	Consider selected arterials as part of Phase II options
2. Six lanes without interchange improvements	<ul style="list-style-type: none"> Some congestion relief on Highway 217 Does not resolve merge/weave problems 	Low	\$405 (\$366 funding gap)*	No further action
3. Six lanes plus interchange improvements	<ul style="list-style-type: none"> Provides most overall congestion relief and fastest average trip on Highway 217 	Medium	\$496 (\$457 funding gap)*	Moved forward to Phase II as study option A
4. Six lanes with carpool lanes	<ul style="list-style-type: none"> Provides fastest trip in carpool lane Does not relieve congestion on general-purpose lanes Does not increase carpooling 	Medium	\$522 (\$481 funding gap)*	No further action
5. Six lanes with express toll lanes	<ul style="list-style-type: none"> Provides fastest trip in toll lane Reduces overall congestion on Highway 217 Significant benefit to trucks 	Medium	\$564 (\$124 funding gap)*	Moved forward to Phase II as study option B
6. Six lanes with tolled ramp meter bypass	<ul style="list-style-type: none"> Provides most overall congestion relief and fastest average trip on Highway 217 Provides most benefit to trucks 	Medium	\$510 (\$404 funding gap)*	Moved forward to Phase II as study option C

* Funding gap is the balance remaining to be financed after applying anticipated regional, federal and toll funds.

IMPROVEMENTS CONSIDERED IN ALL OPTIONS

Phase I findings clearly showed that an additional through lane is necessary to handle anticipated growth in corridor travel. Merge/weave problems caused by short distances between interchanges also need to be addressed through interchange improvements and improvements to arterial streets. Therefore, all options to be considered in Phase II include:

- a new lane in each direction
- improvements to interchanges, arterial streets and the bike network.

Each study option assumes construction of projects on arterial streets and transit service improvements that are in the region's adopted financially constrained transportation plan. The plan includes road, transit, bike and pedestrian projects expected to be constructed in the next 20 years given current funding streams. Because these projects are likely to be constructed, they are included as the base for each of the options that will be studied.

Improvements to interchanges

Only options that included interchange improvements were selected to move into Phase II because closely spaced interchanges on Highway 217 need to be addressed in order to relieve congestion and minimize safety hazards.

- Braided ramps** separate exiting traffic from entering traffic by creating a bridge for traffic entering the freeway that does not descend to the freeway until it has crossed over traffic exiting the freeway. In this way, traffic engineers "braid" ramps with some traffic crossing over and some crossing under to prevent accidents.
- Consolidated interchanges** address the merge/weave conflict by reducing the number of interchanges and connecting them with frontage roads. This solution was applied at Canyon Road and Beaverton-Hillsdale Highway on Highway 217 where access to two streets is combined into one interchange. Drivers entering Highway 217 going north from Beaverton-Hillsdale Highway use a frontage road to enter at the Canyon Road entrance.

Frontage roads are less expensive to construct than braided ramps but require more right of way. Frontage roads also remove local trips from the freeway by providing a parallel off-freeway connection between streets. Phase II options are studying the consolidation of the Denney Road and Allen Boulevard interchanges.

Improvements to arterial streets

A subcommittee of policy advisory committee members and local jurisdictions identified additional arterial street projects included in the region's preferred transportation plan but are not expected to be constructed in the next 20 years unless additional funding sources are identified.

The committee decided to focus on projects that would improve the network of north-south local streets near Highway 217 as well as routes that will improve access from Highway 217 to the Washington Square or Beaverton regional centers.

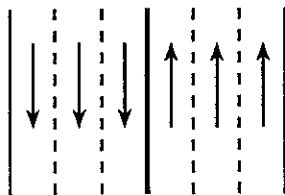
Improvements to the bike network

All study options include improvements to the bike network in the corridor with a focus on improving north-south bike routes west of Highway 217. In addition to bike lanes constructed along with planned roadway improvements, the Fanno Creek Trail crossing of Highway 217 near Denney Road and a section of Hunzinger Trail near the intersection of I-5 and Highway 217 are included. Bike improvements would connect centers in the corridor and provide clear and direct routes for bicyclists.

STUDY OPTIONS CONSIDERED IN PHASE II

(A) General travel lane option

This option would include an additional travel lane in each direction that will be open to all traffic on Highway 217.



In Phase I, this option offered the most overall congestion relief and fastest average drive times for all drivers on Highway 217. It would provide some benefits for trucks in the corridor due to reduced congestion and a reduction in hours of congestion a day. This option had a significant funding gap.

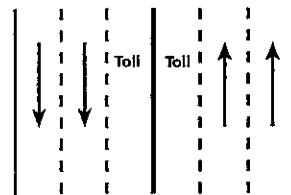
Express-tolling options

In other cities, a concept called express tolling (or value pricing) has been successfully implemented to give drivers another option to sitting in traffic and to help fund construction of new lanes. In these options, drivers pay a fee to bypass congestion by traveling in an express lane. Tolls would be collected electronically without requiring drivers to stop at tollbooth and would be higher at more congested times of day. Only new lanes would be tolled.

Tolling options also include new bus service on Highway 217 from Tualatin and Lake Oswego to the Sunset Transit Center. Buses would use the tolled lanes to provide a fast, reliable trip for transit users.

(B) Express toll lane option

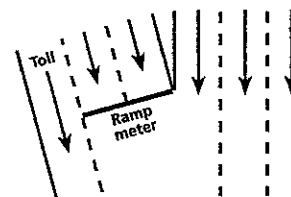
This option would include a rush-hour toll lane in each direction in addition to the existing lanes of Highway 217. Drivers would be able to enter and leave the express lane at I-5 and US 26 as well as at one intermediate point between the Washington Square and Beaverton regional centers. Small trucks would be allowed to use the rush-hour toll lane.



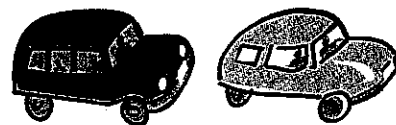
In Phase I, this option offered the fastest trip for those in the rush-hour toll lane as well as improvements in congestion and drive time for all drivers. It also increased transit use in the corridor by offering an attractive express bus service. It would provide significant benefits for trucks in the corridor, especially small trucks that would be able to use the rush-hour toll lane. This option had the smallest funding gap because the rush-hour toll lane would provide revenue to cover some of the construction costs.

(C) Tolloed ramp meter bypass option

This option would include an additional unrestricted travel lane in each direction on Highway 217 in addition to a new lane on entrance ramps. Drivers who choose to use the new express ramp lane to bypass the queue at the ramp meter would pay a toll. Trucks would be allowed to use the ramp meter bypass.



In Phase I, this option seemed to operate very similarly to the option of six general purpose lanes. It provided congestion relief and a fast drive time for all drivers on Highway 217. It would provide significant benefits to trucks in the corridor because trucks could use the tolled ramp meter bypass to save time. The tolls would provide some revenue to cover a portion of the construction costs. This option had a somewhat smaller funding gap than the option without tolling, but a much larger funding gap than the rush-hour toll lane option.



Phase II timeline

Spring/summer 2005	<ul style="list-style-type: none">• Discussions with stakeholder groups about options• Financing and phasing plans developed for each option
Summer 2005	<ul style="list-style-type: none">• Public review and input• Policy Advisory Committee recommendation
Fall 2005	<ul style="list-style-type: none">• Public hearings• PAC recommendation reviewed by Metro Council and local jurisdictions

Public involvement opportunities

Public input is a crucial part of this process and your feedback is important. The Phase I process offered numerous opportunities for public involvement including stakeholder interviews, focus groups, two surveys, open houses and meetings with community and neighborhood groups. Phase II will continue the public outreach process through a series of community meetings. The Metro Council will hold public hearings and seek comments once the policy advisory committee selects recommended option(s), expected late summer 2005. For a complete list of open houses and comment opportunities, see the Metro web site at www.metro-region.org. For more information or to schedule a presentation to a community group, contact Patty Unfred Montgomery at (503) 797-1685 or send e-mail to montgomeryp@metro.dst.or.us.



PAC members

Brian Moore – PAC chair; PGE

Frank Angelo – Westside Economic Alliance
Transportation Committee chair

Dan Aberg – Westside Transportation Alliance

Steve Clark – Community Newspapers; Westside
Economic Alliance

Domonic Biggi – Beaverton Chamber of Commerce;
Beaverton Foods

Nathalie Darcy – Garden Home resident

Rob Drake – mayor of Beaverton; member of Metro's
Joint Policy Advisory Committee on Transportation

Matthew Garrett – ODOT Region 1

Kent Haldorson – citizen representative, north of
Highway 217

S. Joan Hamrick – citizen representative, south of
Highway 217

Van Hooper – Sysco Food Systems

Carl Hosticka – Metro councilor, District 3

James A. Johnson – frequent user of Highway 217

John Kaye – Tektronix

George Machan – Cornforth Consultants, Inc.

Jim Persey – Greenway Neighborhood Association
Committee chair

Lynn Peterson – Lake Oswego City Council

Jack Reardon – Washington Square

Dick Schouten – Washington County Board of
Commissioners

Dennis Thomas – Beaverton School District

